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IMPLEMENTING LOCAL PLANS

a survey of SCAG region practices 1975

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IMPLEMENTING LOCAL PLANS:

A SURVEY OF
SCAG REGION PRACTICES
1975

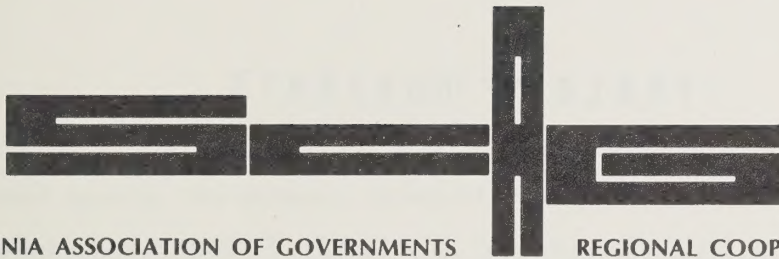
The preparation of this report was financed in part through a comprehensive planning grant from the Department of Housing and Urban Development, under the provisions of Section 701 of the Housing Act of 1974, as amended.

Development Guide
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January 15, 1976

Dear Public Official:

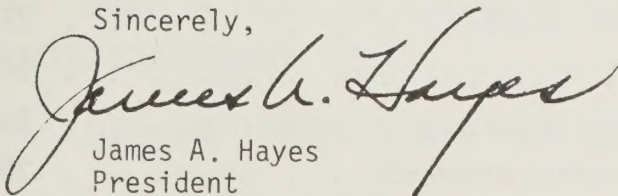
I am pleased to transmit to you this report: Implementing Local Plans: A Survey of SCAG Regional Practices 1975. The SCAG Executive Committee recommended distribution of this survey to local governments and other interested parties, as advised by SCAG's Committee on Community and Economic Development and its Subcommittee on Land Use.

The survey presents a picture of the local government land use guidance system -- the optional (non-State mandated) plan elements, 33 implementing techniques, and the relative effectiveness of those techniques as seen by local planners. For the convenience of elected officials, staff, and citizens, the report shows which cities are preparing particular optional elements and which cities have identified a particular implementing technique as effective.

SCAG is grateful to the more than 100 cities and counties whose planners completed the questionnaire and shared their jurisdictions' plan implementation experience.

This study reflects SCAG's continuing interest in technical assistance and plan implementation. The questionnaire results have been useful in helping shape the SCAG program. We trust that this study will contribute to effective planning and implementation. We welcome your comments.

Sincerely,



James A. Hayes
President

JAH:RN:em

TABLE OF CONTENTS

| | PAGE No. |
|---|----------|
| SUMMARY AND HIGHLIGHTS | 1 |
| SURVEY AND RESPONSE | 1 |
| OPTIONAL PLAN ELEMENTS | 1 |
| IMPLEMENTATION TECHNIQUES | 2 |
| GROWTH POLICY WORK, | 4 |
| POLICIES DIFFICULT/EASY TO IMPLEMENT, | 5 |
| OTHER IMPLEMENTATION FACTORS | 5 |
| RECOMMENDATIONS FOR SCAG ROLE | 6 |
| METHODOLOGY AND RESPONSE, | 7 |
| OPTIONAL PLAN ELEMENTS | 10 |
| IMPLEMENTATION TECHNIQUES | 19 |
| 1. Monitoring Program to Evaluate Goal Accomplishment | 19 |
| 2. Comprehensive Implementation Plan, | 19 |
| 3. Capital Improvement Program, | 20 |
| 4. Transportation Plans and Programs, | 21 |
| 5. Model Cities/Neighborhood Development Program/California Urban Renewal/Housing and Community Development Block Grant Application/Other, | 22 |
| 6. Zoning Code Enforcement: Systematic/Complaint Only, | 23 |
| 7. Housing Code Enforcement: Systematic/Complaint Only | 23 |
| 8. Open Space Zoning/Agricultural Zoning | 24 |
| 9. Open Space Conservation (Williamson Act) Contracts | 25 |
| 10. Flood Plain Zoning/Active National Flood Insurance Program | 25 |
| 11. Hazard Area/Environmental Management Zoning | 26 |
| 12. Downzoning for Plan/Zone Consistency, | 26 |
| 13. Hillside Development Regulations/Grading/Slope Density Standards | 28 |
| 14. Park and/or School Requirement Related to Residential Development | 29 |
| 15. Phased Residential Development (per Ramapo, Petaluma, etc.), | 30 |
| 16. Moratorium on Building, Water-Sewer Connections, Other, | 32 |
| 17. Low-Income Housing Requirement Related to Residential Development | 32 |
| 18. Performance Standards, | 33 |
| 19. Design Review/Architectural Controls/Esthetic Zoning/Historical Preservation | 34 |

TABLE OF CONTENTS

PAGE No.

| | |
|---|------|
| 20. Environmental Agency, Department, Commission, Ordinances , | 35 |
| 21. Local Housing Authority/Work with County Housing Authority | 36 |
| 22. Redevelopment Agency/Community Development Agency | 36 |
| 23. Regular Coordination with School Districts, Other Jurisdictions, | 37 |
| 24. Planned Unit Development (Cluster) Provisions, | 38 |
| 25. Development Rights Transfer, | 39 |
| 26. Density Bonus Provisions, | 40 |
| 27. Conditional Zoning, | 41 |
| 28. Utility Extension Policies , | 41 |
| 29. Utility Rate-Setting as Incentive to Attract Industry or for Energy Conservation , . | 42 |
| 30. Promotional Efforts by Chamber, Economic Development Agency | 42 |
| 31. Development Rights Purchase, Scenic Easement Purchase, Other, | 43 |
| 32. Land Banking, | 44 |
| 33. Advance Acquisition of Public Facility Sites , | 44 |
| 34. Other , | 45 |
| A Word on Citizen Participation, | 45 |
| GROWTH POLICY WORK, | 51 |
| POLICIES DIFFICULT AND EASY TO IMPLEMENT | 55 |
| RECOMMENDATIONS FOR SCAG ROLE | 58 ✓ |
| APPENDIX | |
| A. SURVEY QUESTIONNAIRE AND COVER LETTER | 63 |
| B. REVENUE AND TAXATION CODE SECTION 402.1 | 67 |
| C. SUMMARY OF FIRST YEAR (HCD) BLOCK GRANT ALLOCATIONS, | 68 |
| SELECTED BIBLIOGRAPHY | 69 |
| MAP: CITIES AND COUNTIES IN SCAG METRO AREA | 71 |
| LIST OF TABLES | |
| TABLE 1: JURISDICTIONS RESPONDING TO SURVEY | 9 |
| TABLE 2: RESPONDENTS BY CITY/COUNTY SIZE , | 9 |
| TABLE 3: OPTIONAL PLAN ELEMENT ACTIVITY - BY ELEMENT SUBJECT | 10 |
| TABLE 4: OPTIONAL PLAN ELEMENT ACTIVITY BY COUNTY AND CITY , | 13 |
| TABLE 5: IMPLEMENTATION TECHNIQUES: MOST USED, MOST DISCUSSED, ETC, | 47 |
| TABLE 6: IMPLEMENTATION TECHNIQUES: STATUS AND EVALUATION OF EFFECTIVENESS AND POLITICAL DIFFICULTY, | 49 |

ABSTRACT

TITLE: Implementing Local Plans: A Survey of SCAG Region Practices 1975

AUTHOR: Royce Neuschatz and Richard Spicer. Development Guide, Southern California Association of Governments

SUBJECT: Local plan and policy implementation practices

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ABSTRACT: This report presents the results of a questionnaire survey of city and county planning directors to determine and assess effectiveness of local implementation practices in the region. Responses were received from 100, or two-thirds, of the total jurisdictions in the SCAG region. Findings are given on: optional (non-State-mandated) plan elements; usage, effectiveness, and political difficulty of 33 types of implementation techniques; growth policy and other implementation factors.

Optional plan element activity was found strongest with regard to recreation, social, and economic elements. Implementation techniques most often used were the familiar ones of zoning and housing code enforcement, coordination, promotional efforts, PUD and design review provisions. Innovative use and combinations of traditional techniques are being developed. About one-fifth of the respondents expressed interest in more experimental techniques, including development rights purchase or transfer, density bonuses, phased development, etc. but use is very limited. The report lists ratings of the use, effectiveness, and political difficulty of each technique. Over one-third of the jurisdictions reported specific growth policy work. The report also depicts policies reported as easiest and most difficult to implement, major implementation accomplishments, major decisions affecting planning, and recommended SCAG activities.

SUMMARY AND HIGHLIGHTS

SURVEY AND RESPONSE

This year, planning directors of all 151 cities and six counties in the SCAG region received a questionnaire with an accompanying letter that began:

With your help SCAG has been developing regional goals and policies, growth forecast policies, functional plans, and coordination. Starting with the enclosed questionnaire, we want now to give more attention to techniques for implementing plans and policies at different scales. . .

The purpose of the survey was to gain a comprehensive picture of local implementation techniques and related planning aspects in the SCAG region. (See Appendix for questionnaire form).

Within a month, responses had been received from planners in 100 jurisdictions, nearly two-thirds of SCAG's total, representing about 85% of SCAG's population. Tables 1 and 2, page 9, show numbers of responding jurisdictions by County and by population size.

Highlights and themes from the survey findings are summarized in the following few pages, with more detailed treatment in the next sections of this report. The results provide a useful perspective on the 1975 local land use guidance system in this region. They can serve as a baseline for measuring future directions in local plan and policy implementation. The results will be useful in defining SCAG emphasis and efforts.

OPTIONAL PLAN ELEMENTS

Responses gave a comprehensive picture of local government activity on optional general plan elements -- those not mandated by State law. The amount of optional element activity is noteworthy in light of the demanding requirement to complete the nine State-mandated elements; some of those deadlines were at hand or recently past when this survey was made.

Tables 3 and 4, pages 10 and 13, show volume of activity by element subject and by jurisdiction, so that interested jurisdictions can contact others working on similar elements.

Respondents were asked to indicate the status of each element as "completed", "in preparation", or "in discussion." Those receiving the highest combined count were:

| | |
|------------|---------------------------------|
| Recreation | 66 (including 14 in discussion) |
| Social | 56 (including 39 in discussion) |
| Economic | 43 (including 26 in discussion) |

| | |
|-------------|---------------------------------|
| Population | 31 (including 12 in discussion) |
| Energy | 28 (including 24 in discussion) |
| Community | 22 (including 11 in discussion) |
| Development | |

Responses to "other" showed most emphasis on Design or Community Appearance Elements, with 19 jurisdictions active.

Mandated element status is thoroughly covered in the State Office of Planning and Research report 1974 Local Government Planning Survey.

IMPLEMENTATION TECHNIQUES

In use, preparation, discussion.

The survey yielded a fairly complete picture of 33 types of local plan implementation techniques now in use, in preparation, or under discussion locally. Each technique is discussed individually in this report, beginning on page 19, with comments on findings and descriptions of local usage where available. Jurisdictions rating their use of the technique "very effective" are listed (if warranted by the data). Other interested jurisdictions may wish to contact them. Overall highlights are summarized below. Tables 5 and 6, pages 47 and 48, present the full numerical findings by technique, enabling comparisons of each technique in terms of usage, effectiveness, and political difficulty.

The techniques most used are the traditional ones of

- zoning code enforcement
- housing code enforcement
- coordination with other agencies
- promotional efforts by Chambers of Commerce, etc.

Immediately following these in frequency of use are:

- PUD provisions
- design review

indicating the significant evolution of the zoning tool in directions intended to give more flexibility and more public control over the specifics of development. Open space and environmental-related techniques are also significant. Perhaps most important, however, are the ways in which some jurisdictions combine and integrate implementation techniques. These are not apparent from the tables, but examples gleaned from follow-up phone calls are described later in the report.

Techniques most often mentioned as in discussion or in preparation were:

- transportation plans
- comprehensive implementation plans
- monitoring programs
- downzoning for plan/zone consistency
- urban renewal/HCD related activities.

Very likely, federal funds and federal and state requirements have stimulated much of this interest in transportation, housing, and community development, and also in flood plain zoning, which appears further down in the ranked list. While not in the top-ranked few, downzoning, whether referred to by that or other names, is clearly a dominant theme in recent implementation programs.

Little used but under discussion by roughly one-fifth of the respondents were techniques still in the experimental stages, such as:

- development rights/scenic easement purchase or dedication
- density bonus provisions
- development rights transfer
- phased residential development
- low income housing related to residential development

Some of the more innovative techniques are refinements or variations of traditional tools: PUD provisions, performance standards, required open space as part of zoning or subdivision procedures. These and other techniques, which can be described as on the "cutting edge" of planning thought and practice are discussed in professional literature and conferences. See the Bibliography for recent reports.

Effectiveness

Respondents were asked to evaluate the effectiveness of the techniques they used on a 0-4 scale, and an effectiveness index was devised, as shown in Table 6. Certain techniques, though heavily used, are not considered very effective, notably, Chamber-type promotional efforts and interagency coordination. Most of the other leading techniques were rated fair (3.0) or better. Those tools rated most effective (3.3 to 3.6) and the number of jurisdictions using them were:

- moratorium (14 users)
- conditional zoning (15)
- hillside development standards (27)
- park/school requirements (59)
- performance standards (41)

Rated least effective (2.4 to 2.6) were:

- density bonus provisions (19 users)
- promotional efforts by Chamber, EDA, etc. (75)
- utility rate-setting (8)

Political Difficulty

Respondents were also asked to indicate those techniques they felt were "politically difficult" - PD, and an index was devised, as explained in Table 6. As measured by the PD index, greatest political difficulty was associated with:

- low income housing requirements related to residential development (comparable to the City of Los Angeles' 15% ordinance)
- phased residential development
- moratorium
- land banking

The two techniques most often marked "PD" are: downzoning for plan/zone consistency (in wide use, preparation, and discussion) and the low income housing requirement mentioned above (used only by Los Angeles).

GROWTH POLICY WORK

Closely related to several implementation techniques and plan elements is the subject of growth policy or growth management, hence the survey inquired whether the jurisdiction had work under way in this area.

More than one-third of the respondent jurisdictions specifically reported work on growth policy or growth management. A similar number, but not the same jurisdictions, also indicated Population Element activity in the question on non-mandated plan elements. Approaches and techniques were found to vary widely and those reported in this survey are described briefly, by jurisdiction, beginning on page 51. Respondents' notes indicate that growth policy, particularly in the developing fringe areas, may be established and implemented through a combination of techniques, sometimes without an explicit "growth policy" label. For this reason, the above figure may represent a substantial understatement of actual growth policy work in this region.

SCAG has been working on growth policy forecasts since the late '60s in conjunction with counties and some cities. This year between July and September, SCAG met with most jurisdictions in order to improve further the quality and usability of its growth policy forecasts and regional housing allocation model.*

*The basis for discussion at those meetings was SCAG's Suggested Revision to SCAG's Growth Forecast (June 1975) and Proposed SCAG Regional Housing Allocation Model, Draft Report (December 1974).

POLICIES DIFFICULT/EASY TO IMPLEMENT

As a further indication of implementation needs and concerns, respondents were asked which plan policies they found most difficult, or easiest, to implement. The question was open-ended, anticipating a broad range of answers from fairly detailed and specific policies to broad ones, but most responded in broad terms, usually in major plan element terms.

Leading the ranked list of plan policies most difficult to implement were:

- open space
- transportation (emphasizing more-than-local concerns)
- growth policy

Leading the ranked list of plan policies easiest to implement were:

- transportation (emphasizing street improvements)
- recreation/parks/open space
- land use
- seismic safety and safety

Reading between a few lines, it appears that policies which lend themselves to specific, definable, measurable, map-able regulations are easiest to implement. Many of our most important policy concerns, however, are more subtle and elusive and require more complex implementation efforts.

A more complete analysis of responses to these questions is found starting on page 55 of this report.

OTHER IMPLEMENTATION FACTORS

Recent Public Implementation Accomplishments

To shed further light on what activities were proving effective, respondents were asked what recent local public planning decisions or implementation accomplishments were most important. Again influenced, perhaps, by the context in which they were then working, many responding planners cited completion of mandated elements. Other often-mentioned actions were: downzoning and other plan/zone consistency efforts, revision of ordinances, specific area plans, park/trail accomplishments, HCDA block grant applications. Local issues such as bond decisions, open space acquisitions or failures to acquire, annexation decisions, and others were also frequently mentioned.

Private and Public Actions Affecting Planning

In response to the question on what recent public and private actions affecting planning were felt most important, many answers cited local matters such as a sewer plant expansion, condominium, Council policy on low density, revision of an M zone, a lawsuit.

Substantial emphasis was again found on state and federal legislation and guidelines -- Housing and Community Development Act of 1974, CEQA and NEPA requirements and guidelines for environmental documents, EPA regulations, mandated elements, consistency requirements, coastal planning.

Another group of responses centered on such public decisions as freeway deletions and delays, defeat of transit measures, re-development project actions. Energy and energy-related factors were widely noted.

Because responses on both the above questions were diverse, largely localized, and somewhat repetitious of familiar themes, no detailed breakdown and analysis has been attempted. The above description of emphases and groupings gives the flavor of the very diverse answers.

RECOMMENDATIONS FOR SCAG ROLE

The questionnaire concluded with a question as to what role respondents would suggest for SCAG. Recommendations ranged widely. Major themes stressed technical assistance needs, the need for SCAG efforts at a sub-regional, sub-county scale, and the need to address regional concerns more effectively.

A more complete presentation of responses begins on page 58.

METHODOLOGY

The survey was formulated by SCAG staff, reviewed with the Comprehensive Technical Planning Committee (formerly Council of Planning), and sent in mid-April to planning directors of the 151 cities and six counties in the SCAG region. A second copy with a reminder was set to nonrespondents about three weeks after the first mailing. One hundred jurisdictions, nearly two-thirds of SCAG's total, returned surveys in time for tabulation. The even 100 enables automatic percentages!

Even though the questionnaire was lengthy and complex, the responses were thorough and of high quality. All questionnaires were complete except a few which omitted the effectiveness ratings and "politically difficult" notes on the long checklist of implementation techniques. (See Appendix for copy of questionnaire).

In developing that checklist, an effort was made to group related techniques on one line, with the request to underline or comment on those applicable. Not everyone did so. Separating each item might have provided clearer answers but an even longer list. The list as used was an effort to balance manageable length with reasonable specificity.

Several follow-up phone calls were made to clarify certain answers, but in general the information was simply tabulated as given. Tabulation was manual and staff time was limited, precluding elaborate cross-tabulation by city size or by county. For the most part, however, such detail is not necessary for this kind of survey and the overview which is its purpose.

"Effectiveness" ratings and "politically difficult" notations were omitted by some respondents and were obviously subjective, but they afforded a chance for some qualitative assessment of the various techniques, as shown on Table 6, page 48.

Follow-up phone calls were triggered by a few obvious questions and discrepancies in responses to certain items on the list of implementation techniques. The calls indicated that some respondents interpreted terms very broadly, others had an interpretation different from that thought to be well understood, and some check marks were simply mistakes. It was not possible to phone-check very many. Therefore, findings should be interpreted generally rather than to the last digit and decimal. Question marks in Table 6 indicate where interpretations may have varied.

THE RESPONDENTS

The response by county and by jurisdiction size is indicated on Tables 1 and 2. A listing of all responding cities and counties is given in Table 4 and a map showing city-county boundaries follows the Appendix.

Are respondents representative of SCAG jurisdictions in terms of population size? Table 2 shows the comparison.

The smallest cities are underrepresented in the response and medium-size cities (30-75,000) are somewhat overrepresented. Respondents ranged in size from Avalon at 1,500 to Los Angeles at 2.7 million, and from Imperial County at 84,000 to Los Angeles County at 7.3 million (1,011,000 unincorporated). Responding jurisdictions represent approximately 85% of SCAG area population.

TABLE I
JURISDICTIONS RESPONDING TO SURVEY^a

| | Responding Counties | Responding Cities | Total Cities | Resp. as % of Total |
|----------------|------------------------|----------------------|-----------------|----------------------------|
| Imperial | 1 | 2 | 7 | 29% |
| Los Angeles | 1 | 52 | 78 | 67% |
| Orange | 0 | 16 | 26 | 62% |
| Riverside | 1 | 10 | 17 | 59% |
| San Bernardino | 0 | 9 | 14 | 64% |
| Ventura | 0 | 8 | 9 | 89% |
| SCAG Region | 3 | 97 | 151 | 64% Cities 50% Counties |

^a As of May 1975. A few responses were received too late for inclusion in this tabulation.

TABLE 2
RESPONDENTS BY CITY/COUNTY SIZE

| Population | Respondents ^a | | All SCAG Jurisdictions | |
|-----------------|--------------------------|------|------------------------|-----------------------|
| | No. | % | No. | % |
| Under 10,000 | 8 | 8% | 29 | 18% |
| 10,000-30,000 | 33 | 33% | 56 | 36% |
| 30,000-50,000 | 22 | 22% | 26 | 17% |
| 50,000-75,000 | 15 | 15% | 17 | 11% |
| 75,000-100,000 | 11 | 11% | 14 | 9% |
| 100,000-150,000 | 4 | 4% | 4 | 3% |
| Over 150,000 | 7 | 7% | 11 | 7% |
| | 100 | 100% | 157 | 101%(due to rounding) |

^a Survey asked "1974 Population." Some respondents used slightly different dates and various sources for estimates. Where respondent gave no figure, figures from 1974 SCAG Annual Report were used.

| |
|------------------------|
| OPTIONAL PLAN ELEMENTS |
|------------------------|

The survey asked first what elements other than State-mandated ones are completed, in preparation, or being discussed. The results indicate direction of interest, emphasis, and implementation. The following table shows the volume of optional plan element activity.

TABLE 3

OPTIONAL PLAN ELEMENT ACTIVITY - BY ELEMENT SUBJECT

| <u>Element</u> | <u>Total</u> | <u>Completed/ Being Revised</u> | <u>In Preparation</u> | <u>Being Discussed</u> |
|---|--------------|-------------------------------------|---------------------------|----------------------------|
| Recreation | 66 | 43 | 9 | 14 |
| Social/Human Resources/ Human Services | 56 | 1 | 16 | 39 |
| Economic | 43 | 10 | 7 | 26 |
| Population | 31 | 13 | 6 | 12 |
| Energy | 28 | | 4 | 24 |
| Community Development | 22 | 3 | 8 | 11 |
| Other | | | | |
| Design/Community/ Appearance | 19 | 5 | 8 | 6 |
| Public Facilities/ Services Buildings | 13 | 9 | 3 | 1 |
| Trails/Bikeways | 3 | 3 | | |
| Historical/Cultural | 4 | 1 | 1 | 2 |
| Miscellaneous | 12 | | | |

The preponderance of Recreation elements in the "completed/revise" column is not surprising. This work has been going on for some time, even before the mandate for Open Space and Conservation elements, which relate to recreation. The OPR survey shows similar emphasis on recreation elements.

The tremendous expression of interest and effort on Social Economic, and Energy elements is very significant and is not reflected in the 1974 OPR Survey. In response to this survey expression and to verbal requests, SCAG held a planners' workshop on Social elements in August and will offer another for elected officials at the next General Assembly (February 1976). Workshops will also be considered on Economic and Energy elements.

The interest in Community Development as well as Social elements probably relates to activities stimulated by the Housing and Community Development Act. The Act requires preparation of a community development program as part of the jurisdiction's application for funding.

The number of communities listing Design elements was somewhat unexpected, but relates to the trend toward increased design control evidenced in the responses to the checklist of implementation techniques. Other means given for design elements include: Community Appearance, Urban Design, Townscape.

Table 4 shows which responding jurisdictions are working on which elements, and will hopefully facilitate contacts among cities with mutual interests.

Most jurisdictions have completed most of the State-mandated elements. Many have been busy with the Noise, Seismic Safety, and Scenic Highway elements for which time extensions to fall of 1975 were granted. Status of each jurisdiction's State-mandated elements (as of October 1974) is presented in the OPR 1974 Local Government Planning Survey published in May 1975. That survey points out the substantially better completion rates for the open space and conservation elements, whose mandate included sanctions*, than for others. It noted that housing elements, mandated in 1969, had been completed by 82% of counties but only 65% of cities statewide as of October 1974; these figures have doubtless increased with the stimulation of the Housing and Community Development Act.

*The sanction was significant: cities and counties could not approve subdivisions, issue building permits etc., without an adopted open space element.

TABLE 4: OPTIONAL PLAN ELEMENT ACTIVITY BY COUNTY AND CITY (MAY 1975)

| | C - Completed R - Being Revised | | P - In Preparation D - Being Discussed | | | | | | |
|--------------------|------------------------------------|-----|---|----------------------------------|-----------------|-------------------|--|---|--|
| | Econ | Pop | Energy | Social/Human Res./Hum. Servs. | Recrea- tion | Commun. Devel. | Other | | |
| IMPERIAL COUNTY | | | | | | | D Geothermal D Agricultural | | |
| Callexico | D | C | D | D | D | D | | | |
| El Centro | D | D | | | | | | | |
| LOS ANGELES COUNTY | D | | D | D | RPD | D | R Pub. Servs/Facils R Water/Waste Mgt. D Air Quality | D Design D Hist/Archeol D Communic. | |
| Alhambra | P | P | | | P | P | | | |
| Arcadia | | | | P | P | | | | |
| Avalon | | | | | D | | | | |
| Bell | C | D | D | D | C | D | | | |
| Bellflower | D | D | | D | | | | | |
| Beverly Hills | P | D | | | | | P Design | | |
| Burbank | | R | D | D | C | | C Redevelopment D Urban Design | | |
| Carson | | | | | C | | D Historical Monument | | |
| Cerritos | | | | | C | C | C Public Services & Facilities Public Building Community Design Redevelopment | | |
| Claremont | D | D | D | D | C | | D Redevelopment R Urban Design C Public Facilities | | |
| Commerce | C | | | D | P | | | | |
| Compton | D | | | D | C | D | P Transit P General Plan Update | | |
| Covina | D | D | D | D | D | P | D Urban Design | | |
| Culver City | | | | D | C | D | R Master Sewer Plan D Education (School Site) Element | | |
| El Monte | C | C | D | D | C | D | P Urban Design | | |
| Gardena | | | | D | | | D Community Appearance | | |
| Glendale | | | | D | C | P | | | |

TABLE 4 page 2

| | Econ | Pop | Energy | S/HR/HS | Rec. | CD | Other |
|---------------------|------|-----|--------|---------|------|----|--|
| Glendora | | | | D | | D | |
| Hawthorne | | | | | | | C Community Design |
| Hermosa Beach | P | | D | P | D | D | Utilities Parking |
| Inglewood | D | | | P | C | | |
| Lakewood | R | R | D | D | C | P | |
| Lawndale | P | | | D | | | |
| LaVerne | | | | | C | | |
| Lomita | | | | D | | | |
| Long Beach | D | P | D | P | P | D | P Urban Design P Shoreline |
| Los Angeles | | | D | D | R | | contact City for list |
| Lynwood | D | D | D | | P | P | |
| Monrovia | D | | | D | R | | R Redevelopment |
| Montebello | | C | | | C | | D Hillside C Redevelopment |
| Monterey Park | | | | P | D | | |
| Norwalk | | | | | C | | C Redevelopment |
| Palos Verdes Est. | | | | | | | |
| Paramount | | C | | P | D | | C Environmental C Commercial, Industrial, Housing C Circulation |
| Pasadena | P | | | P | | | P Neighborhood Enhancement P Cultural & Historic Preservation P Urban Design |
| Pico Rivera | D | C | | P | | | D Design |
| Pomona | P | D | | P | P | P | |
| Rancho Palos Verdes | | | P | P | P | | P Fiscal & Implementation P Public Facilities P Urban Design |
| Redondo Beach | | | | D | C | D | |

TABLE 4 page 3

| | Econ | Pop | Energy | S/HR/HS | Rec | CD | Other |
|------------------|------------------------|-----|--------|---------|-----|----|--|
| Rosemead | | | | D | D | D | |
| San Dimas | | | | | C | | |
| San Fernando | D | C | P | P | C | R | |
| San Gabriel | C | C | D | D | C | D | |
| Sierra Madre | C | | | D | R | D | |
| Signal Hill | | | | | | C | C Public Utilities |
| South El Monte | | | | C | | | |
| South Gate | | | | | C | | |
| Temple City | D | | | | | | |
| Torrance | | | | D | C | | |
| Walnut | D | P | D | D | C | D | C Public Service |
| West Covina | D | | D | C/D | C | | D Solid Waste Disposal |
| ORANGE COUNTY | | | | | | | |
| Buena Park | C | R | | D | C | D | |
| Costa Mesa | | | | | | | C Central Area Plan |
| Cypress | C (special study area) | | | | | C | C Trails C Townscape |
| Fullerton | | | | | | | |
| Garden Grove | | | | | | | C Growth Policy |
| Huntington Beach | | P | | | | | |
| Laguna Beach | D | | | P | D | | Cultural/Historical |
| La Habra | | | | P | | | |
| La Palma | | | | | | | |
| Newport Beach | | | | | | | P Community Facilities D Community Design |
| Placentia | | | | | | | |
| San Clemente | D | D | D | D | D | D | |

TABLE 4 page 4

| | Econ | Pop | Energy | S/HR/HS | Rec | CD | Other |
|-----------------------|-------------------------------|-----|--------|---------|-----|----|--|
| San Juan Capistrano | Incl in land use & housing | | | | C | | C Community Design Historic/Archeological Public Safety Public Facilities |
| Santa Ana | | | | | | P | C Bike Route |
| Seal Beach | | | | | C | | C Bicycle Route |
| Westminster | | | | | | | |
| RIVERSIDE COUNTY | D | D | D | D | R | D | P Public Services & Facilities P Transportation D Redevelopment |
| Banning | P | P | D | D | P | D | |
| Desert Hot Springs | | | | D | | D | |
| Hemet | | | | | | | |
| Indio | | | P | D | | P | |
| Palm Desert | | | | | | | |
| Palm Springs | D | | D | D | C | | C Bikeways (part of Rec.) C Transportation |
| Rancho Mirage | P | R | P | | P | P | |
| Riverside | C | | D | D | C | C | P Design |
| San Jacinto | D | R | | D | R | D | |
| SAN BERNARDINO COUNTY | | | | | | | |
| Barstow | P | P | D | | D | R | |
| Colton | | | | | C | D | |
| Fontana | | | | | | | |
| Needles | | | | | D | D | |
| Ontario | D | D | D | P | C | P | P Urban Design |
| Redlands | | | | | | P | |
| Rialto | | | | | D | D | |
| Upland | | | | | | | |
| Victorville | | | | | C | | |

| | Econ | Pop | Energy | S/HR/HS | Rec | CD | Other |
|----------------|------|-----|--------|---------|-----|----|---|
| VENTURA COUNTY | | | | | | | |
| Camarillo | | | | D | R | | P Community Design |
| Fillmore | D | R | D | D | D | | |
| Oxnard | P | P | D | D | | | |
| Port Hueneme | | | | | C | D | |
| Santa Paula | D | | | D | C | P | |
| Simi Valley | D | | | P | C | | |
| Thousand Oaks | | | | D | C | | C Public Buildings C Public Services |
| Ventura | D | P | | D | P | | |

IMPLEMENTATION TECHNIQUES

Each implementation technique or group of related techniques is individually discussed in this chapter, following the order in which they are listed in Question 4 of the survey (see Appendix). Tables 5 and 6, pages 47 and 48, show volume of use and interest, effectiveness rating, and political difficulty index for each technique. Highlights of the findings regarding use effectiveness, and political difficulty are set forth in the "Summary and Highlights" section.

1. MONITORING PROGRAM TO EVALUATE GOAL ACCOMPLISHMENT

Twenty jurisdictions have some kind of monitoring process in use. Follow-up calls revealed that "monitoring" includes a wide range of review processes, from the city's budget process, which often ties to goals and milestones of the general plan, to identifying amendments needed in the general plan, to evaluating and updating particular programs such as HCD, parks development, etc.

Effectiveness overall was fair (2.9) and political difficulty was noted only once. Twice as many respondents are considering monitoring as are using it -- a high degree of interest which links, perhaps, to the growing sense of need for comprehensive evaluation and feedback apparent in planning literature.

2. COMPREHENSIVE IMPLEMENTATION PLAN

Nineteen jurisdictions marked this technique "in use" and another 44 noted "in discussion/preparation".

Follow-up calls indicated that plan elements increasingly include an implementation section. Some respondents had in mind the implementation, from plan to functioning facility, of a portion of the general plan. For example, Carson's general plan includes a civic center element; the City undertook to implement this as a redevelopment project with tax increment bonds. The buildings are now nearing completion, all within a year after completion of the general plan.

The Los Angeles City Planning Department is experimenting with formats for a comprehensive implementation report which would accompany each community plan, for use by community planners, Council, Departments, and citizens. As currently conceived, the format has three major parts. First is a compendium of base information on City Hall procedures and departmental responsibilities and limitations. Second is the implementation report itself listing each community plan proposal - zone changes, street lighting, parks, utility undergrounding, bike routes, dual use of a school or flood control channel, etc. etc. For each such proposal a chart shows: agencies involved; cost estimates; available implementation tools; priorities as shown in the community plan, citywide plans, lead agency plans; CIP Budget status; current status; next steps; relevant Planning Department activities. The third part is a monitoring procedure to track progress on each proposal and avoid dead ends.

3. CAPITAL IMPROVEMENT PROGRAM

This implementation tool has been recognized and recommended for decades, yet only 57 of the respondents report using it. An additional 31 are working on it, however.

The State OPR survey asked about general plan implementation and listed four broad categories including "direct link to budgetary process" which would presumably encompass the CIP. "Approximately 41% of the jurisdictions statewide reported a direct link between their plan elements and the budgeting process or the capital improvement program." (OPR Survey report, page 43.) This 41% statewide figure, compared to the 57% indicated above, suggests that either the CIP is used more by SCAG area jurisdictions than statewide, or SCAG survey respondents represent the more active jurisdictions.

Only 12% marked "None" or failed to answer on this item. Only four noted "Politically Difficult", and one of these noted "except recreation." Overall, effectiveness was rated a fairly high 3.2 .

Cities rating their CIP "very effective" were:

| | | | |
|------------|--------------|--------------|--------------|
| Arcadia | (LA Co.) | Monrovia | (LA Co.) |
| Barstow | (SB Co.) | Palm Springs | (Riv. Co.) |
| Buena Park | (Orange Co.) | Placentia | (Orange Co.) |
| Carson | (LA Co.) | Seal Beach | (Orange Co.) |
| Hawthorne | (LA Co.) | Victorville | (SB Co.) |
| La Habra | (Orange Co.) | | |

4. TRANSPORTATION PLANS AND PROGRAMS

This item was marked "in use" by 43 and "in preparation" by 49. Some checked both. These numbers confirm the increasing and evolving activity in transportation planning in recent years. Responses to this and other questions in the survey indicate that many local governments find transportation policies relatively easy to implement, at least in terms of achieving the standards and street improvements specified in plan elements. A large number, however, indicated that transportation policies were difficult to implement, especially with regard to region-wide issues, airports, transit.

The overall effectiveness rating on this technique was a moderate 3.0 reflecting the preponderance of "fairly effective" ratings. Political difficulty was perceived as minor.

5. MODEL CITIES/NEIGHBORHOOD DEVELOPMENT PROGRAM (NDP)/CALIFORNIA URBAN RENEWAL/HOUSING AND COMMUNITY DEVELOPMENT (HCD) BLOCK GRANT APPLICATION/ OTHER

While 45 cities and counties use urban renewal, model cities, and NDP programs, almost as many jurisdictions (37) are discussing or preparing these programs. Notes by the respondents suggest that the Housing and Community Development Act of 1974 has generated actions by cities formerly using these programs as well as by cities using them for the first time. Among the first timers are a few jurisdictions which have never used federally funded programs before. Of those respondents who differentiated among the four programs, 30 noted HCD applications and 12 noted California Urban Renewal. Some listed both. Other programs are used much less.

Ratings indicate a high degree of effectiveness (3.2) for these programs. Cities which give their programs top rating are

| | | | |
|-------------|------|--------------|------|
| Culver City | (LA) | Pasadena | (LA) |
| Indio | (R) | Pico Rivera | (LA) |
| Inglewood | (LA) | Port Hueneme | (V) |
| La Habra | (O) | Riverside | (R) |
| Monrovia | (LA) | Santa Ana | (O) |

SCAG's review of first year HCD applications,* recently published, showed that HCD block grant funding in the SCAG region would be \$89.3 million, at least twice as much as was received from HUD categorical community development programs in any previous year - accounting for the increased activity in housing and development. The summary showed completion of urban renewal projects comprised 15%. A slightly different breakdown showed housing-related activities accounting for nearly one-fourth of the region's total, but of this, 15% went to ongoing NDP's for land acquisition and clearance and only 8% to direct housing programs, mainly rehabilitation. The summary page from the report is included in the Appendix to this report.

That report recommends a number of SCAG technical and coordinative actions, many of which are under way. These include refining the housing allocation model for improved local use, coordinating housing and community development efforts of neighboring jurisdictions, and convening jurisdictions to share experience and assist each other in plan preparation. Housing rehabilitation was specifically mentioned as a subject of major interest for sharing information.

*SCAG, SCAG Review of First Year Title I Housing and Community Development Block Grant Applications, Draft Report, June 1975, Summary, page 5.

6. ZONING CODE ENFORCEMENT: SYSTEMATIC/COMPLAINT ONLY

Enforcement of zoning codes, which came into wide use in the Twenties, is still the most used implementation technique today. Of the 97 users, 30 specifically indicated "complaint only", only 15 indicated "systematic" and three indicated "both." The rest did not specify. Cities specifying systematic enforcement, or both, are listed below.

| | | | |
|------------|------|---------------|------|
| Avalon | (LA) | Inglewood | (LA) |
| Buena Park | (O) | La Habra | (O) |
| Calexico | (I) | La Palma | (O) |
| Claremont | (LA) | Long Beach | (LA) |
| Compton | (LA) | Newport Beach | (O) |
| Covina | (LA) | Palm Springs | (R) |
| Cypress | (O) | Paramount | (LA) |
| Fullerton | (O) | Pico Rivera | (LA) |
| Indio | (R) | Simi Valley | (V) |

About half of the listed cities rated this item "very effective" and the other half "fairly effective." The overall effectiveness rating was 3.0 -- exactly "fair."

Zoning code enforcement is associated with moderate political difficulty (PD Index 13) which is not confined to systematic enforcement.

7. HOUSING CODE ENFORCEMENT: SYSTEMATIC/COMPLAINT ONLY

As with zoning, more respondents specified use of complaint-only (22) than systematic enforcement (14), with four indicating both. Housing code enforcement is perceived as more difficult politically (PD Index 22) and is less widely used than zoning code enforcement.

The following cities noted systematic enforcement. That may signify not citywide but in defined areas or series of areas, such as renewal areas. The four cities indicating use of "both" are included in the list.

| | | | |
|------------|-------------|---------------|-------------|
| Avalon | (LA) - both | Lakewood | (LA) - both |
| Burbank | (LA) - both | Long Beach | (LA) |
| Buena Park | (O) | Los Angeles | (LA) |
| Calexico | (I) | Monrovia | (LA) - both |
| Claremont | (LA) | Newport Beach | (O) |
| Commerce | (LA) | Paramount | (LA) |
| Covina | (LA) | Port Hueneme | (V) |
| Indio | (R) | Redondo Beach | (LA) |
| Inglewood | (LA) | Riverside | (R) |

Nearly all cities listed above rated their programs fairly or very effective. The overall effectiveness rating was 3.0, the same as for zoning code enforcement.

8. OPEN SPACE ZONING/AGRICULTURAL ZONING

Open space zoning is in use in more than half the responding jurisdictions. It is not possible from this survey to tell exactly how it is used, whether to further the broad intent of the State in mandating open space elements or chiefly to designate existing public lands and parks. Follow-up calls showed some cities are reluctant to use open space zoning for private lands, although a few mentioned its application to private utility rights-of-way.

On the questionnaire, most respondents specified open space zoning rather than, but possibly including, agricultural zoning. Some noted that open space zoning was incorporated in the general zoning ordinance but had not yet been mapped.

The overall effectiveness rating was 3.0, exactly "fair". Some political difficulty (13) is perceived.

Those rating their use of open space/ag zoning "very effective" are:

| | | | |
|-----------------|------|---------------|------|
| Claremont | (LA) | Pico Rivera | (LA) |
| El Centro | (I) | Placentia | (O) |
| Imperial County | | Pomona | (LA) |
| La Habra | (O) | Rancho Mirage | (R) |
| La Palma | (O) | Sierra Madre | (LA) |
| Long Beach | (LA) | Thousand Oaks | (V) |
| Palm Springs | (R) | Upland | (SB) |

9. OPEN SPACE CONSERVATION (WILLIAMSON) ACT CONTRACTS

Fourteen jurisdictions reported use of Williamson Act contracts with 11 more considering them. Use of these contracts has increased somewhat as relevant legislation has been improved and refined and as experience has grown. The shortcomings (statewide) of this voluntary and non-permanent technique in preserving agricultural and open land on the urban fringe have been well documented. Use in the SCAG area has been firmly limited. It is not relevant for most jurisdictions, though it is important to note that the Act applies not only to agricultural but to other open space lands as well, including scenic highway corridors.

Users rating this technique "very effective" are:

| | | | |
|---------------|-----|---------------|------|
| La Habra | (O) | Santa Paula | (V) |
| La Palma | (O) | Thousand Oaks | (V) |
| Rancho Mirage | (R) | Victorville | (SB) |

Other users are Oxnard (V), Calexico (I), Fillmore (V), Alhambra (LA), Pomona (LA), Redlands (LA), Camarillo (V), Indio (R), Corona (R), and Riverside County. Ventura County has worked closely with the cities to coordinate open space planning and policies.

The Revenue and Taxation Code, Section 402.1, requires the assessor to consider the effect on value of enforceable use restrictions to which land is subject. Such enforceable use restrictions include not only Williamson Act contracts and recorded sale of development rights, but also: zoning; permits issued by agencies with land use powers concurrent with those of local government (coastal commissions, BCD, Tahoe Agency); and environmental statute constraints. "There shall be a rebuttable presumption that restrictions will not be removed..." The full text of this Section is in the Appendix to this report.

10. FLOOD PLAIN ZONING/ACTIVE NATIONAL FLOOD INSURANCE PROGRAM

With the amendment of the National Flood Insurance Act and Program in 1973 as well as the State mandate for open space and conservation elements and zoning, activity in this area is substantial at last (30 in use, 33 under way). Some cities are busy negotiating with HUD to get flood hazard lines accurately redrawn for participation in NFIP.

Overall effectiveness is judged relatively low (2.7). Political difficulty is minor.

Cities rating their use of these methods very effective are:

| | | | |
|---------------|------|------------------|------|
| Coasta Mesa | (O) | Riverside (both) | (R) |
| Long Beach | (LA) | South El Monte | (LA) |
| Palm Springs | (R) | Upland | (SB) |
| Rancho Mirage | (R) | Victorville | (SB) |

Flood plain planning and protection is a particularly appropriate subject for county-city coordination. Even though some past efforts have fallen short of their potential due to conflicting interests and political pressures recent activity is positive. Mandated elements are complete; the National Flood Insurance Program is improved; and the recreational potential of flood areas and channels is increasingly recognized. The Corps of Engineers and some county flood control districts have been initiating positive programs for recreational use of flood channel areas. (See No. 31 for further comment on channel easements).

11. HAZARD AREA/ENVIRONMENTAL MANAGEMENT ZONING

Environment zoning is still in the development stage. Those 18 jurisdictions which checked it as "in use" consider it at this time of limited effectiveness, probably due to its newness and perhaps to its limited significance in built up areas. Political difficulty is minimal.

Orange, Los Angeles, and other counties have done studies on environmental management zoning. The State of California Council on Intergovernmental Relations' "Environmental Resource Management Element" model (ERME) for combining plan elements has been used by only 14 jurisdictions statewide, according to the OPR survey.

CIR's General Plan Guidelines make implementation recommendations, including not only appropriate environmental requirements and procedures in zoning, subdivision, and site development regulations and codes, but also building inspection program, revision of other elements, liaison with agencies and mitigating measures.

12. DOWNZONING FOR PLAN/ZONE CONSISTENCY

"Downzoning" has become the current, if not wholly accurate, term for achieving consistency between zoning and general plans, as mandated in Section 65860 of the Government Code. Consistency was mandated by January 1, 1974. OPR's survey taken in October 1974 found 23% of the State's cities and 22% of the counties still inconsistent, 12% of cities and 25% of counties in progress toward consistency, and the remaining 65% of cities and 53% of counties consistent, in their own judgement.

In SCAG's survey (May 1975), nearly four-fifths of respondents are using or working on the consistency requirement. It is one of the two techniques most frequently marked PD - Politically Difficult. (Low income housing requirement is the other.) The effectiveness rating is a moderately high 3.1 which may be an incentive, even though the political and technical process is rigorous.

Need was expressed in both this and the OPR survey, for further clarification and guidance on consistency, particularly with respect to how a specific plan (area plan, community plan) can bridge from present to future.

The following cities rated their downzoning usage "very effective":

| | | | |
|--------------|------|---------------|-----|
| Arcadia | (LA) | Placentia | (O) |
| Carson | (LA) | Rancho Mirage | (R) |
| Claremont | (LA) | Riverside | (R) |
| Culver City | (LA) | Seal Beach | (O) |
| La Verne | (LA) | Simi Valley | (V) |
| Palm Springs | (R) | Thousand Oaks | (V) |
| Pico Rivera | (LA) | | |

Cities and counties are moving toward plan/zone consistency in two ways: by changing the zone designation on the land (most often to one less intensive or of lower density) and/or by changing the standards of the zoning ordinance (most often by reducing allowed density). Notes indicate many jurisdictions have undertaken comprehensive revision of their zoning ordinances, often in conjunction with general plan revisions and subdivision, grading, and building code revisions.

San Bernardino County, facing the difficulties of consistency and recognizing the undesirability of a hasty job, has undertaken a three-year consistency program, pursuant to Board of Supervisors' policy. The program includes updating the general plan, zoning ordinance, and other ordinances. The County deals with plan amendment/zoning items as they arise in proposed projects. Simultaneously, there is an "area adjustment program" which systematically addresses large portions of the County and undertakes to resolve city-county inconsistencies. Zoning and plans of cities and counties are all subject to modification.

Two of these area studies came to hearing last summer (Chino and West Redland-Loma Linda). Another has been designated a priority area for 1975-76 (Chaffee College area). In addition, four community plans are in or approaching final draft stage. After the Board acts on these community plans, modifications of zoning to achieve consistency will be undertaken. Some San Bernardino County cities have begun similar phased consistency programs. In related action, the County's LAFCO has recently completed its zone-of-influence designations.

Palm Springs reported initiation of a one-year study intended to result in major amendments to the General Plan, followed by zone changes as needed for consistency.

A study prepared by the Los Angeles City Planning Department in 1972* (prior to the consistency requirement) was among the first factual analyses of the many impacts of overzoning. The City's zoned capacity was found to be nearly three times the anticipated 1990 population. The study dealt with impacts on taxes, property values, speculation, neighborhood stability, lending practices, public costs, public controls needed to effectively implement planning policies, noting both general effects and effects on individuals. Some commonly held assumptions (which may be the basis for perceived political difficulty) were found to be unsupported, such as the assumption that multiple residential zoning always means higher property values and higher taxes than single-family zoning. One of the notable findings was that five out of every six owners of multiple-zoned land will not be able to develop to the zoned capacity by 1990. The demand will simply not be there.

One SCAG survey respondent commented indirectly on downzoning and plan/zone consistency in his answer to the survey question soliciting suggestions for SCAG assistance:

"Cities are becoming involved with 'zoning consistency' but have very little to fall back on for technical assistance. No one has definitively explained 'consistency' or relation to inverse condemnation. Consequently, most efforts to make the zoning consistent with the general plan are half-hearted and timid. Possibly SCAG can become involved in this area...perhaps through the seminar approach."

In a recent California decision on downzoning, HFV v. Superior Court and Von's Grocery v. Superior Court, the Court held (6-1) that Cerritos' rezoning of a five-acre parcel from commercial to residential did not constitute a compensable taking. Justice Tobriner's majority opinion stated:

Incidental damages to property resulting from governmental activities or laws passed in the promotion of the public welfare are not considered a taking of the property which compensation must be made.

13. HILLSIDE DEVELOPMENT REGULATIONS/GRADING REGULATIONS/SLOPE DENSITY STANDARDS (DENSITY RELATED TO % OF SLOPE)

These kinds of implementation techniques are in use or preparation by nearly half the respondents (most of the others presumably having no hills). Cities rating their regulations "very effective" were:

*Los Angeles Department of City Planning, Density Adjustment Study, May 1972.

Beverly Hills (LA)
Carson (LA)
La Habra (O)
Newport Beach (O)
Rancho Mirage (R)

San Dimas (LA)
Santa Paula (V)
Sierra Madre (LA)
Thousand Oaks (V)

The overall effectiveness rating was a relatively high 3.3, and only one respondent cited political difficulty.

14. PARK AND/OR SCHOOL REQUIREMENT RELATED TO RESIDENTIAL DEVELOPMENT (QUIMBY, FEE PER DWELLING UNIT, ETC.)

Park requirements are widely used in the SCAG region. Most of the use is probably that authorized by the so-called "Quimby" legislation (Assemblyman Quimby of Rialto was the author of the original legislation, now Cal. Bus. and Prof. Code 11546), enabling local agencies to require park land or in-lieu funds in connection with residential subdivision according to a locally set ratio or fee schedule. In addition, the straight per-residential-unit fee for parks is receiving much attention. In the few calls to respondents made on this subject, fees were found to range from \$50 to \$500 per unit, the latter a recent increase.

Not surprisingly, this technique gets a fairly high effectiveness rating of 3.3; it is straightforward and fairly easy to administer. Political difficulty was not noted as much of a problem.

Follow-up calls provided a reminder of the extent to which park and also school provisions in conjunction with subdivisions are a negotiated matter. Some cities feel they can implement park goals more effectively through the negotiations involved in subdivision and zoning processes than through a standard schedule of land or fee requirements.

Despite notes to the contrary by some respondents, cities and counties may require land dedication for schools in conjunction with subdivisions under certain conditions, with school districts to repay later.* Close coordination with school districts is an important implementation technique, including joint efforts relative to new developments. In one city where school capacity could not be increased, the number, types, and sizes of new residential units were negotiated with developers to prevent overload on schools.

*Stanford Environmental Law Society, A Handbook for Controlling Local Growth, p. 52-53, references Cal. Bus. and Prof. Code 1152.2

15. PHASED RESIDENTIAL DEVELOPMENT (PER RAMAPO, PETALUMA, ETC.)

General Plan Guidelines, published by the California Council on Intergovernmental Relations (CIR), September 1973, states (page III-1):

"The general plan is a guide for conservation, growth, and change over an extended period of time. It should clearly identify:

- areas to be conserved;
- areas to be changed;
- sequence or timing of change;
- nature and process of change."

References follow to establish sequential procedures and their impact on short, middle, and long-term activities of individuals and governmental agencies. Thus, phasing is a regular, recommended aspect of general plans, not an unusual, far-out device.

The references to Ramapo and Petaluma were meant to signify to respondents a phasing strategy based on an annual allowance system, such as both cities have used and been identified with in planning literature.

Ramapo's method is to stage development in concert with the City's ability and plan to provide services. Numerical limits are not firm, since the developer may opt to pay public facility costs himself rather than wait for the City to provide them pursuant to its phased plan. Ramapo also has a procedure for excessive hardship cases, and it reduces assessments relative to developability of the subject land.

Petaluma uses similar timing and strategy but sets an annual quota of new housing units with a locational and qualitative point system for evaluating developers' proposals and awarding permits.

Ramapo's phasing system has been upheld by New York's highest court. Petaluma's system was ruled unconstitutional in federal district court but upheld by the federal Ninth Circuit. It may be appealed to the Supreme Court.

As it turned out, none of the SCAG survey respondents used phased development in the sense of Ramapo or Petaluma. Those who checked "in use" were called and found to have had in mind other interpretations of the term. Nineteen respondents marked this item "in discussion/preparation"; their interpretations of the term are not known, but may include phasing through interim zoning, holding zones, agricultural zones -- all of which have long been used by local jurisdictions for timing development. Political difficulty is perceived as quite severe, with a 68 index.

Here are two phasing-related activities reported by respondents:

Laguna Beach has had a simple and practical development-phasing technique. The City prepares all EIR's itself rather than receiving all or portions of them from developers. The City Council has adopted a policy of processing only two EIR's at any one time because of staff limitations. Prospective developers await their turn, regardless of project size, value, or location. The City reported very little complaint or political difficulty. The policy has been in effect for over a year and applies to all developments.

San Juan Capistrano charts anticipated growth rates in its general plan and monitors actual growth, so that if growth begins to exceed the City's policy guidelines, steps can be developed to modify the trend.

Stanford Environmental Law Society's Handbook for Controlling Local Growth concludes its discussion of "phased zoning" as follows:

"In sum, phased zoning is a broad term covering countless possible schemes for regulating growth. It may involve absolutely limiting the growth rate, channeling the growth, or tying residential growth to a community's ability to absorb it in an orderly and rational manner. Techniques range from simple holding zones to plans comparable to those of Petaluma and Ramapo. The legality of these methods has not been determined conclusively, but it can be said that the more comprehensive plans, with affirmative provisions for low cost housing, and with a growth rate approximating the ability of the community to provide services, have the best chance of surviving in court. Such comprehensive plans, perhaps more than any other technique which slows or limits the growth rate, can survive a court bent on stopping anything remotely exclusionary." (page 52)

16. MORATORIUM ON BUILDING, WATER-SEWER CONNECTIONS, OTHER (SPECIFY)

Fifteen jurisdictions have recently used, are using, or are considering moratoriums of various kinds and purposes, as follows:

| | |
|---------------------------|---------------------------------------|
| Avalon | sewer |
| Beverly Hills | |
| Camarillo | building, in part of City |
| Carson | on service stations; on condominiums |
| Culver City | sewer |
| Imperial County | |
| Lomita | six months during down zoning process |
| Palm Springs | sewer - mandatory by 1983 |
| Rancho Palos Verdes | building |
| Redondo Beach | |
| Rialto | building - one year, just lifted |
| San Clemente | sewer |
| San Juan Capistrano | pending general plan approval |
| Signal Hill | while writing zoning ordinance |
| Thousand Oaks | water-sewer, in discussion |

Other cities have used moratoriums in the past, particularly in specific areas with servicing problems or where plans were being finalized. Three other cities have moratoriums under consideration.

A moratorium is legally acceptable if the reason is proper under the police power and the time appropriately limited and tied to accomplishment of a particular project, plan, or regulation. However, a moratorium is extremely difficult politically (PD index - 60). The term "moratorium" is automatically controversial and often unacceptable. One community mentioned "deferral" -- perhaps a more palatable and flexible concept.

The moratorium technique received the highest effectiveness rating of the 33 listed - 3.6.

17. LOW-INCOME HOUSING REQUIREMENT RELATED TO RESIDENTIAL DEVELOPMENT (PER L.A.'s 15% ORDINANCE)

After years of study and struggle, Los Angeles in 1974 passed its "15%" ordinance which requires that 15% of new multiple family construction be earmarked for low and moderate income families. Passage occurred just at the time of the construction slow-down and the impoundment and other constraints on availability of public funds for such housing, to which the City's legislation is tied. Now HCD funding may enable the ordinance to function, but prospects are uncertain.

Los Angeles remains the only responding city in the region using this technique, but two counties and nine cities list it "in discussion/preparation."

This technique has by far the highest "PD" index (177) of the list. To some extent, the difficulty may have been eased by the language in the HCD Act which promotes dispersion of low and moderate income housing in many areas rather than concentration in a few. Housing was the policy area deemed most difficult to implement by respondents to another question in this survey. Obviously no single technique can be effective by itself in implementing policies for low and moderate income housing. The "PD" notations suggest that political and managerial leadership will be hard to come by but absolutely essential for progress in this policy area.

The inclusionary ordinance, as this technique is called, has the potential advantages of automatic relationship to new construction and automatic dispersion. Many feel that to be effective, it needs to be mandatory or it needs to include subsidy provisions. Several variations on the theme are being tried elsewhere in the country. Some commentators feel success will depend on participating developers receiving density bonuses and sales or rent levels above those set for other federal programs and approaching fair market values.

The Potomac Institute's recent report entitled In-Zoning: A Guide for Policy Makers on Inclusionary Land Use Programs is an up-to-date evaluation of policy related research and discussion of the many technical and policy aspects of local inclusionary land use programs. See the Selected Bibliography, page 69.

18. PERFORMANCE STANDARDS (SPECIFY)

Performance standards for industrial uses have long been a part of zoning ordinances, a forerunner of the environmental standards "explosion" of the last five years. Now standard setting and performance management have become far more sophisticated than matching shades of smoke on a Ringelmann chart, and the aspects of "performance" for which standards can be or must be set have increased. Many now fall within the purview of State regulatory agencies.

More than two-thirds of the respondents are using or preparing performance standards, but there is doubtless a wide range of interpretations of the term. Many jurisdictions cited noise, vibration, dust, etc., and/or cited industrial/commercial application. Some have performance standards for all zones. Some indicated these are part of their zoning ordinance. A few mentioned grading

and esthetic standards in connection with this item. A few mentioned application to specific areas (harbor, civic center) and uses (industrial parks, service stations).

Effectiveness is perceived as relatively high (3.3) and political difficulty was mentioned only once.

Comments indicate this technique should be considered together with development review, conditional use; and environmental review procedures as well as zoning ordinance enforcement.

19. DESIGN REVIEW/ ARCHITECTURAL CONTROLS / ESTHETIC ZONING / HISTORICAL PRESERVATION

The very widespread use of these techniques -- design review, primarily -- together with PUD provisions is one of the highlights of this survey. In the total survey, this set of techniques ranked fifth "in use" (63 users), tenth "in discussion/preparation" (21), and sixth in "combined" (84). Among these four grouped techniques, most respondents cited design review and/or architectural review.

Notes by respondents indicate that a variety of citizen boards, administrative official boards, and environmental review processes are used in conjunction with the four techniques. Some small and medium-sized cities do design reviews of all developments, from home remodelings to shopping centers.

Although many cities have historic preservation activities, only six respondents designated it in this survey. They are:

| | | | |
|-------------|------|---------------------|------|
| Carson | (LA) | Port Hueneme | (V) |
| Compton | (LA) | Rialto | (SB) |
| Pico Rivera | (LA) | San Juan Capistrano | (O) |

This group of techniques received a fairly high effectiveness rating (3.2) with little political difficulty. Cities rating their design review and related methods "very effective" are:

| | | | |
|---------------|------|----------------|------|
| Beverly Hills | (LA) | Palm Springs | (R) |
| Claremont | (LA) | Pico Rivera | (LA) |
| Covina | (LA) | Placentia | (O) |
| Cypress | (O) | Rancho Mirage | (R) |
| Lakewood | (LA) | Sierra Madre | (LA) |
| La Palma | (O) | South El Monte | (LA) |
| La Verne | (LA) | Thousand Oaks | (V) |
| | | Upland | (SB) |

20. ENVIRONMENTAL AGENCY, DEPARTMENT, COMMISSION, ORDINANCES

This group of techniques is high on the "in use" list with 57, plus another 12 preparing. Most respondents did underline the applicable words, for a total of 31 such indications; eleven noted ordinances, 10 a board or commission, four an agency, three a department. Four cities -- Los Angeles, Long Beach, Newport Beach, and Simi Valley -- underlined three or four in the group. A few cities and counties mentioned that environmental sections in planning department and/or planning commissions are handling environmental tasks.

The overall effectiveness rating is a mediocre 2.8, perhaps reflecting the newness of local environmental measures, difficulties associated with CEQA and NEPA, limited funds and expertise for environmental work. At any rate, political difficulty is apparently not the problem, with only five mentions.

The jurisdictions rating these techniques "very effective" in their communities are:

| | | | |
|---------------|------|---------------|------|
| Long Beach | (LA) | Seal Beach | (O) |
| Pico Rivera | (LA) | Thousand Oaks | (V) |
| Rancho Mirage | (R) | Victorville | (SB) |
| Redondo Beach | (LA) | | |

21. LOCAL HOUSING AUTHORITY / WORK WITH COUNTY HOUSING AUTHORITY

Housing authorities are not as numerous as redevelopment agencies (see No. 22 below). This item was marked "in use" by 37 respondents, of which about one-third indicated they are working with their county housing authority, particularly in Orange and Ventura Counties. Another 23 checked the "in preparation/discussion" column with many notations of working with the county. The HCD Act has stimulated much of this activity.

The overall effectiveness rating was mediocre 2.8 and political difficulty is moderate ("PD" index 23).

Four cities rated their housing authorities "very effective":

| | | | |
|-----------|------|------------|------|
| Carson | (LA) | Long Beach | (LA) |
| Inglewood | (LA) | Pasadena | (LA) |

This is an established and promising area for sub-regional joint action, with good examples being set not only in Orange and Ventura Counties but also in San Bernardino County and the Pomona area. Recommendations for coordinating housing and community development work by neighboring jurisdictions are given in the report SCAG Review of First Year Title I HCD Block Grant Applications, June 1975.

22. REDEVELOPMENT AGENCY / COMMUNITY DEVELOPMENT AGENCY

This is among the most used techniques, with 58 jurisdictions reporting having such agencies and another 14 considering them. The overall rating of effectiveness is a fairly high 3.1, significantly better than for housing authorities. Thirteen cities gave their agencies a "very effective" rating. Despite a long history of redevelopment, political difficulty is still a moderate problem ("PD" index 24).

One city noted that its agency is now inactive. A few mentioned redevelopment decisions -- to form or not to form an agency, to do or not to do a particular project -- as among their most significant planning decisions.

23. REGULAR COORDINATION WITH SCHOOL DISTRICTS, OTHER JURISDICTIONS (SPECIFY)

Regular coordination was reported by three-fourths of the responding jurisdictions. Although coordination practices vary widely, regular city-county coordination was most often mentioned, followed by coordination with flood control, water, sanitation, school, and park districts, and neighboring cities. Joint school/park arrangements were frequently mentioned.

In some areas where school enrollments are declining, more contact with school districts can be anticipated as those districts make determinations on surplus schools and school lands. New uses of those properties, including the decision to sell, can be a controversial issue. Recent State legislation (SB 433) has clarified the priority which school districts must follow in disposing of surplus property. It must be offered first to public agencies for park/recreation/open space purposes, next to a series of other public agencies for other public purposes, then to the former owner, and finally it may be marketed to the general public. (Education Code, 16053.1).

Effectiveness is rated overall at a mediocre 2.8, but ratings on an item like this involving such a variety of arrangements are hard to make and hard to compare. Regular coordination is considered politically difficult in seven communities.

24. PLANNED UNIT DEVELOPMENT (CLUSTER) PROVISIONS

As part of the overall trend toward more versatile and specialized zoning ordinances for better land use control, PUD is now a very widespread technique, fourth on the "in use" list with 65 users.

Originally devised to encourage more imaginative site planning for residential development, PUD is increasingly available for a variety of uses and purposes. It ties in with conditional use permit and design review procedures and sometimes with density bonuses, again highlighting how far zoning has come from earlier, simpler times.

PUD is a way to allow a mix of residential types, sometimes with recreational and commercial uses, a way to secure open space, or extra-wide setbacks on certain frontages, or reduced street standards. It is used for industrial parks and for shopping centers. It is sometimes used to encourage consolidation of small lots or provision of low and moderate income housing, in conjunction with density bonus provisions.

The recently incorporated City of Rancho Mirage has developed a very comprehensive and sophisticated General Plan which it proposes to implement through application of the PUD concept to the entire City. A series of PUD categories has been proposed, pertinent to several kinds of land use, plus a PUD-MX (Mixed) overlay zone "which indicates... that the City is favorably disposed to a mixture of uses on the land provided the parcels involved are developed as a comprehensively planned unit approved by the City."

Effectiveness received an overall 2.9 rating with rather few notes on political difficulty. Jurisdictions rating their PUD provisions "very effective" are:

| | | | |
|--------------------|------|---------------|------|
| Carson | (LA) | Pico Rivera | (LA) |
| Covina | (LA) | Rancho Mirage | (R) |
| El Centro | (I) | Riverside | (R) |
| Lawndale | (LA) | Seal Beach | (O) |
| Los Angeles County | | Thousand Oaks | (V) |
| Newport Beach | (O) | Westminster | (O) |
| Palm Springs | (R) | Victorville | (SB) |

25. DEVELOPMENT RIGHTS TRANSFER (DRT; TDR)

The transfer of development rights, abbreviated as DRT or TDR, has received considerable theoretical discussion in law and planning journals but scant practice as yet. The concept of development rights and the ability to transfer or sell them, one parcel to another, was conceived as a method for preserving historical buildings and has been expanded into a method for directing growth and preserving specialized areas.

Six respondents checked "in use", but follow-up calls revealed not transfer of rights between parcels but a transfer or shift of allowable density from one portion of a property to another through PUD, density bonus, development rights dedication, and/or conditional zoning. For example, Rancho Mirage plans a density transfer mechanism to preserve its remaining date and citrus groves which are in large holdings.

Los Angeles permits development rights transfer in some of its specific plans (e.g. part of Westwood) in terms of allowing a higher floor area ratio on one parcel if development rights on another parcel are purchased. This DRT provision is also a part of the City's Central Area Plan and has been incorporated into the proposed downtown redevelopment plan. To date, the technique has not been tried.

Some 20 cities responding marked "in discussion/preparation" but some of them may not be thinking of the inter-parcel meaning of the term.

While DRT is still being hailed as a most promising technique for protecting historic areas and other areas of specific public interest, some critics are wondering if DRT is primarily a "law journal" method of questionable practicality, whether there are in fact development "rights", if cities really need to devise means for transferring development rights. Perhaps, one commentator suggests*, the DRT discussion is a transitional stage leading to more comprehensive, sound, and effective planning within the police power and using proven implementation techniques.

John Costonis, originator of the DRT concept, recently wrote:

The Chicago or New York plans may never save a landmark, nor the Puerto Rico or New Jersey plans an open space. But, if they catalyze a reexamination of current land use practice in light of its neglected economic dimension, they will have made a signal contribution indeed.**

*From comments by Attorney Malcolm Misuraca of San Jose, speaking at the Attorney General's Conference on Land Use in California, San Francisco, May 12, 1975.

**John J. Costonis, "Whichever Way you Slice It, DRT Is Here to Stay," Planning, July 1974, page 15.

DRT was originally conceived by Costonis and Jared B. Shlaes to preserve historic landmarks in Chicago. In June 1974, the Chicago commissioner of development and planning stated that the city's PUD ordinance had been amended to give builders density bonuses for preserving landmarks, rather than using DRT.*

A well known DRT proposal for growth management pertains to rural agricultural Suffolk County at the easterly end of Long Island, New York. Here a DRT-type system was devised to direct development to the County's westerly portion, preserving agricultural patterns in the easterly part. This has now been modified to a simpler method proposing County purchase of development rights in specified areas. It is a voluntary program.

26. DENSITY BONUS PROVISIONS

Density bonus provisions, through zoning and subdivision processes, are in use in 19 jurisdictions and being considered or prepared in 23 others.. Effectiveness is rated at 1.4, the lowest of the entire list. Political difficulty is not a serious problem.

What do cities hope to gain by offering a density bonus? They are interested in open space preservation, including usable, scenic, and hazardous areas; recreational amenities; consolidation of small or substandard parcels; private redevelopment; concentration of development near transit stops (Los Angeles' proposed Downtown Redevelopment Plan proposes a floor area ratio bonus for properties close to transit stops, as a method of encouraging pedestrian traffic in such locations). Signal Hill is also considering a floor area ratio bonus in commercial areas if certain conditions are met.

* Chicago Plan Ruled Out in Chicago", Planning, July 1974, page 8.

27. CONDITIONAL ZONING

Notwithstanding a few notes asking "Legal?", conditional zoning is in regular usage, with 36 jurisdictions answering "in use" and 18 "in discussion/preparation." Overall effectiveness is rated a high 3.4, and political difficulty is minor.

Respondents' notes mention conditional use permits (CUP), site plan review, hearings, development standards, requirements for certain public improvements as prerequisites of conditional zoning. Los Angeles uses its "Q" zone to enable certain requirements beyond those in the regular zone and makes a careful effort to assure enforcement of those requirements. Pre-zoning, a variation of conditional zoning for areas about to be annexed, is also well established.

Again the problem of non-standardized or controversial terminology arises. One city checked "in use" but substituted the term "flexible zoning". Another related term used in the literature is "floating zone". The floating zone is similar to a PUD or planned development district. It may not be initially mapped but provides a set of regulations to be applied when certain conditions are met. Such conditions usually include demonstration of need, minimum impact on adjacent land, parking standards, screen landscaping, etc. This is a technique to implement a general plan without the stigma of "spot zoning", without being arbitrary or unreasonable.

28. UTILITY EXTENSION POLICIES

This method is not heavily used (only 18 users) perhaps because its potential is primarily for communities having both extensive developable open space and some degree of utility control. This is another implementation technique whose limited use may reflect the slow-down in development. In addition, the technique is associated with moderate political difficulty ("PD" index 28). The 18 users give the technique a satisfactory rating of 3.2, which is a positive signal for the jurisdictions considering the technique.

Managing growth through utility extension policies requires close coordination among the many agencies and levels of government involved. For example, it may be a simple decision to extend city water, but often it is a more complex question of water treatment facility capacity involving one or more funding agencies, multiple environmental reviews, A-95 reviews, and an examination of several growth forecasts for the service area.

29. UTILITY RATE-SETTING AS INCENTIVE TO ATTRACT INDUSTRY OR FOR ENERGY CONSERVATION

The response was mainly in terms of attracting industry, but energy conservation considerations are receiving increasing interest. Only eight respondents marked this technique "in use", with nine more considering it. Few cities provide their own utilities and set their own rates. There were two notations of political difficulty, neither by a user.

Alhambra indicated that the City underwrites for industry the cost of undergrounding utilities. Rancho Mirage also has an active utility undergrounding program on 13 miles of streets, financed through an assessment district.

Modification of utility rates for energy conservation purposes is under consideration by federal and state agencies. A new EPA research report (EPA-600/5-75/033) has come out in favor of peak load pricing. As cities undertake energy elements, this rate-setting technique plus utility extension policies and many others may receive more intensive consideration.

30. PROMOTIONAL EFFORTS BY CHAMBER, ECONOMIC DEVELOPMENT AGENCY, ETC.

This is the second most used "technique" on the list. Most cities and counties have active Chambers of Commerce and a few reported Economic Development Agencies. Overall effectiveness was rated at a rather low 2.6, however, and four respondents marked "don't know." It is difficult to assess promotional efforts. Only one respondent noted political difficulty.

31. DEVELOPMENT RIGHTS PURCHASE, SCENIC EASEMENT PURCHASE, OTHER
(SPECIFY)

This item was checked "in use" by only a handful of jurisdictions (about 6) and is under discussion by about 21. ("About" is used because follow-up calls indicated a variety of interpretations of this group of terms.)

Telephone calls brought to light not only purchase but several instances of required dedication of development rights in conjunction with a development plan. Palm Springs does this to secure as open space flood channels, scenic areas, mountain backdrop.

Experience with purchase of development rights and easements is limited in California, but interest is growing in areas where land values and urban pressures are such that easements can be bought for substantially less than fee titles. San Juan Capistrano, for example, expects to use some of its HCD funds to purchase such easements, helping to implement a thoroughly planned land-use pattern and land-use management code. The City feels its money will go much further in easement purchase than in fee title purchase.

The most noteworthy easement acquired in the recent past is Los Angeles County's 50 year open space easement on the vast undeveloped part of Catalina Island. This area, which was reserved amidst controversy, is an asset of county, regional, and statewide significance.

The City of Lomita provides an example of an entirely different application of this technique. Limited water line capacity required limiting development rights beyond the level consistent with present water line capacity. Access rights must also be dedicated.

The City of Carson may seek easements for recreational use of the Dominguez Channel; industrial owners of the area are amenable to such use but rejected the use of open space zoning to secure it. The easement method looks more promising, the City feels.

Culver City, Los Angeles, and probably many other cities are also interested in recreational use of flood channels. The US Army Corps of Engineers now has a funding program to develop recreation opportunities in channel areas which were constructed some time ago (as well as in conjunction with new projects - which is easier). In many cases, however, the Corps does not have fee title but only flowage easements in channel areas, without legal provision for recreation or trail use. The Corps is now ready and willing to assist with and half-fund recreational facilities, but it looks to the concerned cities to do the costly, time consuming, specialized work of title searches, easement provision analysis, and negotiation of new easements or other arrangements required

for recreational use.

With only six users, an overall effectiveness rating would not be appropriate. Political difficulty was noted by eight respondents, mostly non-users.

The Revenue and Taxation Code (Section 402.1) provides that the assessor consider zoning, recorded contracts, certain permits, and environmental statute constraints as enforceable use restrictions in assessing land. Development rights purchase and scenic easements constitute enforceable restrictions, and could be a basis for seeking reassessment. (See Appendix.)

32. LAND BANKING

Only four jurisdictions checked this item, and calls indicated fairly narrow application rather than the broad-scale open space application associated with the Palo Alto Foothills Study.* Los Angeles, for example, reported that it "banks" tax delinquent lands. Burbank holds lands related to redevelopment. Other cities and counties noting "in use" or "in discussion/preparation" are those with substantial undeveloped land, so perhaps the open space application is contemplated. Political difficulty is severe ("PD" Index 57), with many "PD" notes by non-users.

33. ADVANCE ACQUISITION OF PUBLIC FACILITY SITES

Public acquisition of land for specific uses -- park, civic center, and similar public facility sites -- is "in use" in 38 jurisdictions. While "land banking" (No. 32 above) -- advance acquisition of sites for either future public use or future sale for use according to a plan -- is new, little tried, and controversial, "advance acquisition" for specific public facility sites is thoroughly acceptable. Respondents gave it a fairly high effectiveness rating of 3.2, and the scant three "PD" notes were by jurisdictions neither using nor considering it.

*Livingston and Blayney, Foothills Environmental Design Study, Report to the City of Palo Alto, No. 1-4, 1969-71

34. OTHER (PLEASE LIST)

Most notations were on open-space related techniques and may have been generally referred to elsewhere.

Alhambra: leases public property out for golf course use; is contracting with railroad to use right-of-way land for street widening.

Burbank: has acquired hillside open space.

Laguna Beach: seeks gifts of open space, including easement dedications.

La Palma (and others): leases Edison Company right-of-way land for park purposes at nominal or no cost.

Los Angeles: Downtown Redevelopment Plan proposes permitting higher floor area ratio on parcels within a certain distance of a transit stop, to encourage intensive development and use at such locations.

Monterey Park: has a "concurrent improvement ordinance" providing for acquisition of street right-of-way and improvements.

Palm Springs: requires open space easement dedication as part of subdivision process.

San Dimas: areas are set aside through the conditional use permit process.

A WORD ON CITIZEN PARTICIPATION

None of this survey's questions address directly the subject of citizen participation, but its increasingly significant role reads out repeatedly in answers to open ended questions and in marginal notes. It is often a role beyond that mandated by governmental regulation.

Cities without a formal "environmental agency" (#20) or "housing authority" (#21) indicated the use of citizen committees. Even the "Capital Improvement Program" (#3) formulation process, long the well guarded province of department heads and -- pro forma or actively -- of council members, is beginning to come within the purview of citizen's groups. This increasing role of citizens in

implementing plans and policies is a logical outgrowth of citizen involvement in goal setting and in plan and policy making which was required under planning grants of the Department of Housing and Urban Development.

The OPR Local Government Planning Survey did address the citizen participation issue directly and notes (page 9):

The areas within the planning process with the least amount of participation were those that seem to be the most technical in nature [including] fiscal allocation decisions, capital outlay, program design and development, and evaluations.

These are the areas where we can probably look for growing citizen involvement, as this round of goals-and-plans nears completion. The Housing and Community Development Act of 1974, for example, mandated citizen involvement in program formulation and plan implementation. The citizen role will probably be more effective in subsequent years than in this first year with its severe time constraints and the many problems attendant on a new program.

The rise in citizen involvement in planning and land use techniques has been accompanied by books written for citizens as well as practitioners and political leaders. The bibliography includes two: the Rockefeller Task Force report The Use of Land and the Stanford Environmental Law Society's A Handbook for Controlling Local Growth.

TABLE 5

IMPLEMENTATION TECHNIQUES: MOST USED, MOST DISCUSSED, ETC.

| Questionnaire Item No. ^a | Implementation Technique | In Use | | In Disc/Prep | | Combined | |
|--|---|-------------|------------|--------------|-------------------------|-------------|-------------------------|
| | | (1) Rank | (2) No. | (3) Rank | (4) ^b No. | (5) Rank | (6) ^c No. |
| 6 | Zoning code enforcement | 1 | 97 | - | 1 | 1 | 98 |
| 30 | Promotional efforts by Chamber, etc. | 2 | 75 | 17 | 8 | 7 | 83 |
| 7 | Housing code enforcement | 2 | 75 | 16 | 10 | 5 | 85 |
| 23 | Regular coordination w/ other agencies | 3 | 74 | 16 | 10 | 6 | 84 |
| 24 | Planned unit development (PUD) provisions | 4 | 65 | 10 | 21 | 4 | 86 |
| 19 | Design review/architectural/esthetic/historical | 5 | 63 | 10 | 21 | 6 | 84 |
| 14 | Park/school regmt. rel. to res. development | 6 | 59 | 13 | 16 | 10 | 75 |
| 22 | Redevelopment agency, commun. dev. agency | 7 | 58 | 14 | 14 | 11 | 72 |
| 20 | Environmental agency, dept., comm., ord. | 8 | 57 | 15 | 12 | 13 | 69 |
| 3 | Capital improvement program | 8 | 57 | 7 | 31 | 3 | 88 |
| 8 | Open space/agric.zoning | 9 | 54 | 12 | 17 | 12 | 71 |
| 5 | Model cities/NDP/Urban renewal/HCD app. | 10 | 45 | 5 | 37 | 8 | 82 |
| 4 | Transportation plans and programs | 11 | 43 | 1 | 49 | 2 | 92 |
| 18 | Performance standards | 12 | 41 | 8 | 27 | 14 | 68 |
| 12 | Down zoning for plan/zone consistency | 13 | 40 | 4 | 38 | 9 | 78 |
| 33 | Advance acquisition for public facilities | 14 | 38 | 13 | 16 | 19 | 54 |
| 21 | Local housing authority/work with county HA | 15 | 37 | 9 | 23 | 17 | 60 |
| 27 | Conditional zoning | 16 | 36 | 11 | 18 | 19 | 54 |
| 13 | Hillside/grading regs/slope density stds. | 17 | 30 | 10 | 21 | 20 | 48 |
| 10 | Flood plain zoning/Nat. Flood Ins. Program | 18 | 27 | 6 | 33 | 15 | 63 |
| 1 | Monitoring program | 19 | 20 | 3 | 42 | 16 | 62 |
| 2 | Comprehensive implementation plan | 20 | 19 | 2 | 44 | 15 | 63 |
| 26 | Density bonus provisions | 20 | 19 | 9 | 23 | 21 | 42 |

a Implementation technique item number, as used in Question 4 of survey questionnaire and in Table 6.

b Other frequently mentioned techniques "in discussion/preparation" and the number of times cited are

| | |
|---|----|
| Development rights/scenic easement purchase or dedication | 21 |
| Development rights transfer | 20 |
| Phased residential development | 19 |
| Low-income housing related to residential development | 12 |

c Column 6 = Column 2 + Column 4

TABLE 6

IMPLEMENTATION TECHNIQUES: STATUS AND EVALUATION

OF EFFECTIVENESS AND POLITICAL DIFFICULTY

| Questionnaire Item No. | Implementation Technique | (1) In Use | (2) In Disc/ Prep. | (3) Com- bined | (4) ^a PD # | (5) ^b PD Index | (6) ^c Effec. Index |
|------------------------------|--|------------------|--------------------------|----------------------|-----------------------------|---------------------------------|-------------------------------------|
| 1 | Monitoring program | 20 | 42 | 62 | 1 | 2 | 2.9 |
| 2 | Comprehensive implementation plan | 19 | 44 | 63 | 5 | 8 | 3.2 |
| 3 | Capital improvement program | 57 | 31 | 88 | 6 | 17 | 3.2 |
| 4 | Transportation plans/programs | 43 | 49 | 92 | 4 | 4 | 3.0 |
| 5 | Model Cities/NDP/Urban Renewal/HUCD App. | 45 | 37 | 82 | 6 | 7 | 3.2 |
| 6 | Zoning code enforcement | 97 | 1 | 98 | 13 | 13 | 3.0 |
| 7 | Housing code enforcement | 75 | 10 | 85 | 19 | 22 | 3.0 |
| 8 | Open space zoning/agric. zoning | 54 | 17 | 71 | 9 | 13 | 3.0 |
| 9 | Open Space Conserv. Act contracts | 14 | 11 | 25 | 2 | 8 | 2.8 |
| 10 | Flood plain zoning/Nat. Flood Ins. Program | 30 | 33 | 63 | 5 | 8 | 2.7 |
| 11 | Hazard area/env. mgt. zoning | 18 | 38 | 56 | 4 | 7 | 2.7 |
| 12 | Downzoning for plan/zone consistency | 40 | 38 | 78 | 23 | 29 | 3.1 |
| 13 | Hillside/grading regs/slope density stds. | 27 | 21 | 48 | 1 | 2 | 3.3 |
| 14 | Park/school reqmt. rel. to res. develop. | 59 | 16 | 75 | 8 | 7 | 3.3 |
| 15 | Phased res. dev.(over Ramapo, Petaluma) | - | 19? ^d | 19? | 13 | 68 | - - |
| 16 | Moratorium on bldg., other | 14 | 6 | 20 | 12 | 60 | 3.6 |
| 17 | Low income hsg. reqmt. (per 15% ord.) | 1 | 12 | 13 | 23 | 177 | - - |
| 18 | Performance standards | 41 | 27 | 68 | 1 | 1 | 3.3 |
| 19 | Design review/arch.controls/esthetic zoning/hist. pres. | 63 | 21 | 84 | 6 | 7 | 3.2 |
| 20 | Env. agency, dept., comm, ords. | 57 | 12 | 69 | 5 | 7 | 2.8 |
| 21 | Local hsg. auth/work with county HA | 37 | 23 | 60 | 14 | 23 | 2.8 |

cont'd next page

- a Number of respondents noting "PD" - Politically Difficult -- relative to the technique (whether in use, in discussion, or not used).
- b The "PD" Index provides a rough measure of the political sensitivity of each technique relative to the others, as perceived by the respondents. The number of "PD" notations (Column 4) was divided by the combined number of "in use" and "in discussion/preparation" notations (Column 3) to yield the index number. Higher index numbers signify greater political difficulty. The median PD Index number is 8.
- c Respondents were asked to rate effectiveness of each technique used. These rating were given the numerical values shown below and applied as follows to yield an average effectiveness rating, or index.

| Downzoning (example) | No. of ratings x Value = Product | | |
|--------------------------|----------------------------------|----|----------------|
| Very effective | 13 | 4 | = 52 |
| Fairly effective | 9 | 3 | = 27 |
| Limited usefulness | 6 | 2 | = 12 |
| Poor | 2 | 1 | = 2 |
| | 30 | 93 | 30 ÷ 3.1 Index |

Higher index numbers signify greater effectiveness.

- d Question marks indicate that respondents' interpretations of the term may have varied.

(TABLE 6 continued)

IMPLEMENTATION TECHNIQUES: STATUS AND EVALUATION...

| Questionnaire Item No. | Implementation Technique | (1) In Use | (2) In Disc/ Prep. | (3) Com- bined | (4) ^a PD # | (5) ^b PD Index | (6) ^c Effec. Index |
|------------------------------|--|------------------|--------------------------|----------------------|-----------------------------|---------------------------------|-------------------------------------|
| 22 | Redev. agency/commun. devel. agency | 58 | 14 | 72 | 17 | 24 | 3.1 |
| 23 | Regular coord. with school districts, other jurisdictions | 74 | 10 | 84 | 7 | 8 | 2.8 |
| 24 | Planned unit devel. provisions | 65 | 21 | 86 | 7 | 8 | 2.9 |
| 25 | Development rights transfer | 2 | 20? | 22? | 4 | 18 | - - |
| 26 | Density bonus provisions | 19 | 23 | 42 | 4 | 10 | 2.4 |
| 27 | Conditional zoning | 18 | 36 | 54 | 3 | 6 | 3.4 |
| 28 | Utility extension policies | 18 | 11 | 29 | 8 | 28 | 3.2 |
| 29 | Utility rate-setting as incentives | 8 | 9 | 17 | 2 | 18 | 2.6 |
| 30 | Promotional efforts by Chamber etc. | 75 | 8 | 83 | 1 | 1 | 2.6 |
| 31 | Devel. rights purchase, scenic easement purchase, etc. | 6? | 21? | 27? | 8 | 30 | - - |
| 32 | Land banking | 4? | 10? | 14? | 8 | 57 | - - |
| 33 | Advance acquis. for public facilities | 38 | 16 | 54 | 3 | 6 | 3.2 |
| 34 | Other - see text | | | | | | |

For footnotes see preceding page.

GROWTH POLICY WORK

Respondents were asked to indicate whether their jurisdiction was working or considering work on growth policy. Two of the three responding counties and 32 of the 97 cities (33%) answered "Yes". Interest seems to be fairly high and on the increase. Population elements have been completed, are in preparation or being discussed in 31 jurisdictions (not necessarily the same ones noting "yes" on this growth policy question).

In Ventura and Orange Counties, the proportion of cities working on growth policy was higher than the overall 33%; in San Bernardino County it was substantially lower. The percent of responding cities in each county who answered "yes" to this question is as follows:

| | | |
|-----------------|-----|---|
| Imperial | 50% | of responding cities are working on growth policy |
| Los Angeles ... | 29% | |
| Orange | 44% | |
| Riverside | 30% | |
| San Bernardino | 11% | |
| Ventura | 63% | |
| SCAG Area | 33% | |

Cities of various sizes are addressing growth policy, though only a few are in the under-30,000 category. Some cities are losing population. The cities express and implement their growth policy in a variety of ways, not necessarily involving a separate, explicit plan element or policy document. The following notes are from responses on the questionnaire and information in the materials which some cities submitted and are by no means a complete rundown on SCAG area growth policy work.

LOS ANGELES COUNTY CITIES

Avalon has a draft redevelopment plan suggesting that growth policy be related to water supply.

Claremont will review and catalog its growth management policy, and develop strategy and plan.

Culver City has ordinances controlling growth rate: one has reduced maximum residential density on lots over 10,000 square feet; one provides a temporary prohibition on uses involving excess sewage or pollutants pending disposal system study completion. The City has a policy statement requiring consideration of the impact on schools from proposed subdivisions and zone changes prior to action by Council. The City is also involved in a growth management study with the assistance of consultants and a citizens committee.

Gardena has reduced density in multiple residential zones and is considering a dwelling unit fee.

Glendale is revising its land use element, with consideration of three alternative growth scenarios -- low, moderate, and high. The first two would require zoning rollbacks.

Hawthorne is revising development and density standards in its higher density zones to reduce the impetus of growth.

Hermosa Beach mentions amending both the general plan and zoning ordinance for lower densities and a lower level of projected growth.

Lakewood will be developing growth policy as part of its community development block grant work program.

Pasadena is revising its general plan and will include proposals for both a development phasing plan and managed growth policy.

Rancho Palos Verdes, newly incorporated, will include growth policy in the general plan now being prepared.

ORANGE COUNTY CITIES

Laguna Beach answered "no" to the growth policy question but commented that growth management is considered in term of community scale, desirable open space, and other performance standards.

Newport Beach adopted its growth policy in 1973 and amended it the following year in the form of a Residential Growth Element. The element discusses impacts on "community character" and "quality of the living environment". Future development is generally limited in density to a maximum of 15 units per acre.

San Clemente noted it has a "rural lifestyle concept" under study for 7,000 acres.

San Juan Capistrano has the kind of general plan that serves as a growth management guideline, and the implementing land use management ordinance is in draft form.

Santa Ana estimated its present land use plan capacities, possible increases due to redevelopment, annexation, conversion of one-family to multiple and of some highway commercial to multiple, related these to other growth projections, and made estimates of the City's fiscal ability to arrive at a desirable population level of 235,000 by about 1990. City adoption of this figure as growth policy has been recommended; it "will then be compared with the policies of neighboring jurisdictions and hopefully a viable program can be developed." (Planning Department's Growth Policy Report dated October 5, 1974, page 1)

Seal Beach referenced its revised general plan and reduced zone densities.

VENTURA COUNTY CITIES

Fillmore notes its zoning ordinance work.

Oxnard is considering revising its "urban take" line and reducing its Conservation and Open Space element in concert with lowering of population projections. . . Also mentioned is the City's policy of completing partially developed neighborhoods.

Simi Valley mentions working with VCAG reviewing spheres of influence and "urban take" lines.

Ventura's Open Space Plan designates over 3,000 acres in agriculture, which it implements through non-annexation. (see page 56.) The City is planning a phasing program on the remaining 3,500 developable acres.

OTHER CITIES

Colton mentioned its land use element update and Planning Department consideration of urban reserve areas and phasing growth.

Riverside adopted a growth policy after Environmental Protection Commission hearings; the report represents much citizen input. The report discusses "quality growth", "sequential development" which has three classifications -- development encouraged, development with conditions, and no development anticipated soon. It recommends study of costs to the City of new developments, decisions on fair share, and adjustment of service extension policies. It does not give numbers.

Rancho Mirage has developed a sophisticated combination of plans, ordinances and standards which it uses in conjunction with PUD on all newly developing areas.

What else are cities doing or thinking regarding growth management? The OPR Local Government Planning Survey asked jurisdictions to state three important planning issues of 1973-74. Responses were categorized into 10 major groups, of which "growth management" was second in importance, with a total of 111 mentions statewide. ("General plan" was first). The "growth management" group included the following subheadings:

| | |
|---------------------------------|-----|
| Managing amount of growth | 36 |
| Annexation | 18 |
| Managing location of growth | 16 |
| Sphere of influence | 16 |
| Adjacent urbanization | 8 |
| New water and sewer expansion | 7 |
| Timing of growth | 6 |
| Adjacent commercial development | 4 |
| TOTAL | 111 |

While no regional response breakdown is given in the OPR Report, SCAG staff has scanned the OPR questionnaires received from SCAG area jurisdictions and found the following comment from the Report applies to the SCAG area as well as to the State generally:

Jurisdiction comments reflect a growing recognition of the interdependence of issues that had previously been perceived as isolated. For example, the relationship between local control of growth and exclusionary zoning practices was cited in several comments. Concern was also expressed regarding the potential for economic development in the face of desired growth limitation and environmental quality management. (page 13)

The significant finding from this and related questions in the survey is: jurisdictions are concerned with growth management and phasing (with both gain and loss of population). They seem to be approaching it through more comprehensive, more specific plans and a wide spectrum of controls and evaluation methods, not through explicit quotas. Where the need to manage growth is strongly sensed, where rapid growth rates or major projects have created severe impacts, combinations of these more traditional approaches are being utilized.

Policies regarding utility expansion and extension and non-increase of street capacity were cited in respondents' notes as effective and politically acceptable for some communities. Environmental review processes entailing social, economic, and fiscal impacts may serve a phasing purpose. Comments received suggest that communities with physical (topographic) and facility constraints are better able to manage growth through regular land use control processes than are those with extensive areas which are flat, usable, and partially or wholly serviced by infrastructure.

POLICY IMPLEMENTATION: DIFFICULT AND EASY

"WHICH 3 TO 5 OF YOUR JURISDICTION'S PLAN POLICIES (e.g., GROWTH, OPEN SPACE, TRANSPORTATION, HOUSING, ETC.) ARE MOST DIFFICULT TO IMPLEMENT?

This was an open-end question, with a very broad variety of answers not always possible to group in a meaningful way. Many jurisdictions answered in terms of plan elements, but others had specific local references. The following summary gives an indication of the policy areas found difficult, in the order of emphasis, insofar as related items could be grouped.

Housing-related plans and policies composed the policy area clearly considered most difficult to implement, mentioned by more than half the respondents. Respondents emphasized problems of low and moderate income housing, property maintenance, serious and frustrating funding limitations, problems beyond local control, political difficulty, lack of coordinating mechanisms, problems of achieving diversity in neighborhoods, "multiple residential" and "cluster housing (PUD)" problems with reference to the difficulty of encouraging multiple zoning in predominantly single family communities because of stereotyped view of "apartment dwellers."

Open space-related policies were the next most frequently mentioned group (35), with references to the financial constraints most prominent, plus several mentions of problems beyond local control, coastal issues, open space zoning difficulties, and greenbelt preservation.

Transportation policies were listed by more than one-fourth the jurisdictions, with particular reference to transportation problems and decisions beyond local control, airport land use problems, parking, bike routes, and several references to "scenic highways."

Growth policies and density problems received many citations, with comments on zoning rollbacks and density reductions, problems of growth and land use control outside the jurisdiction, hillside development problems, difficulty of implementing concentration rather than sprawl. One respondent specifically cited lack of growth as the kind of growth problem his city faced.

Conservation and environment-related policies were a substantial group. Noise elements and policies were mentioned as difficult by 13 jurisdictions. There were general references to environmental and pollution problems, to the California Environmental Quality Act (CEQA), and to the financial and technical constraints affecting implementation. Seismic safety, safety, flood control, and drainage policies were also cited as difficult here.

A group of 11 responses centered on development and redevelopment, industrial and commercial. Another group of 11 mentioned simply "land use."

The remaining "miscellaneous" mentions included urban design-beautification-signs; public facilities; capital improvement programs; human resources plans; zoning enforcement and non-conforming use abatement; and citizen participation.

"WHICH 3 TO 5 OF YOUR JURISDICTION'S PLAN POLICIES ARE EASIEST TO IMPLEMENT?

Circulation/transportation-related policies were most often listed here. Comments indicated that it is the highway and street improvement aspects that jurisdictions find easy to implement. Standards are quantitative and clear, are generally acceptable politically, and are implementable through local decision-making processes, including plans, subdivision approvals, and capital improvement programs. Funding is still available from earmarked and other sources. Hence, it is reasonable to find this policy area at the top of the "easiest" list.

Recreation/park/open space-related policies come next. Some of the comments indicated that, like transportation, the local aspects are easiest to implement, especially where there are quantitative, accepted standards and requirements, local decision opportunities, and, to some extent, available State and federal funding. Regarding open space aspects, the City of Ventura noted:

"The Open Space Plan is the easiest to implement even though it is a politically explosive issue... Ventura County has a policy of not allowing urbanization outside of corporate limits. The City therefore needs only to deny annexation to have an effective Open Space Policy."

Ventura County and its cities developed an open space plan reflecting environmental considerations and "urban take" expectations and has worked closely with the County LAFCO on spheres of influence.

"Land use" was the subject cited by the next largest group of responses, including single mentions of residential development, commercial development, and strong CBD. Closely related, "limiting residential density" and "industrial development" each received about seven listings.

Seismic safety and public safety policies were considered easy to implement by 19 respondents.

"Conservation", "scenic highways", "housing, "design review" also received multiple mentions, and another dozen or more topics were cited by one or two jurisdictions.

A few philosophical comments were offered on both aspects of this question:

"None are difficult -- just complicated."

"None... can be classified as easy."

"No such thing as 'most difficult.' All are difficult but nothing is impossible."

RECOMMENDATIONS FOR SCAG ROLE

"WHAT WOULD YOU LIKE TO SEE SCAG DO TO ASSIST IN PLANNING OR IMPLEMENTATION TECHNIQUES AT THE REGIONAL LEVEL OR THROUGH TECHNICAL ASSISTANCE TO LOCAL AGENICES?"

About three out of every four planners responding made substantive comments or suggestions. The recommendations ranged from "continue as you have been doing" all the way to "statutory authority in regional development, growth control and transportation." Major themes are summarized below, followed by a sampling of verbatim responses intended to convey some of the substance and tone of the answers to this question.

MAJOR THEMES

Major themes included:

1. Need for technical assistance in every sense: good library of planning and related materials, providing information on planning generally, old and new legislation, state and federal funding programs, implementation techniques -- particularly those found effective by local agencies in the region; model ordinances; seminars and workshops. The ideas suggested SCAG as a vital regional information center and data source, not only collecting and storing but actively disseminating information regularly.
2. Need for more SCAG contact with cities, for SCAG staff to visit cities regularly, for SCAG subregional offices, for SCAG to foster subregional groupings of cities to develop joint approaches and provide technical assistance on subjects of more than local but less than six-county-regional scope -- housing allocation, open space, bikeways, environmental concerns. Among the specific recommendations: an intergovernmental task force to deal with land title problems hindering recreational use of flood control channels.
3. Need to address regional concerns effectively, especially air pollution, transportation, housing, growth management. There were several recommendations for a stronger or statutory role in these areas. Among the specific suggestions: SCAG to take control of HCD discretionary funds. Also recommended: density allocations. Responses seem to reflect the need for clear regional standard-setting and/or regulation on major regional concerns... something beyond "coordination".

Responses to this question also revealed the strong sense of difference between urban metropolitan and rural communities, big cities and small, which is such a strong theme in OPR's Local Government Planning Survey Report. "Stop State mandating useless elements." "SCAG should be more cognizant of the problems faced by local agencies..." "Sometimes there is a need to be at the origin of the problem..."

A SAMPLING OF VERBATIM RESPONSES

"What we really need is face to face communication between SCAG staff and the staff of member cities and counties."

"SCAG would improve if field offices were to be established (perhaps using desk space loaned from each county)."

"Develop liaison meetings within each community or sub-region."

"SCAG may be able to help collections of cities get together with consultants who have technical skills ... "

"Listing of programs and funds available to local jurisdictions."

"More work with local political decision makers."

"Help in implementation and understanding by elected officials of State and federal regulations, programs, and requirements."

"Continue availability of technical assistance to small local agencies."

"Provide technical assistance in the preparation of applications for programs such as the Community Development Act, UMTA, etc. Possibly assume responsibility for assuring effective implementation of the Coastal Plan in the South Coast Region."

"Get the paper work processed faster through State and fed."

"Review and summarize all pending legislation affecting planning."

"Serve as a clearing house for information and techniques which have been used successfully by local cities; also serve as a basis of legal expertise."

"Set regional planning parameters. Synthesize local planning efforts."

"Continue in this role of regional planners to establish controls and priorities related to regional concerns of broad magnitude such as mass transit, air quality, resource conservation, environmental protection, and population."

"Would like to see SCAG as the regulating agency for implementation of solutions to regional problems such as air pollution, mass transit, growth policies, coastal conservation, etc."

"SCAG is incapable of implementing anything, and always will be unless we opt for metropolitan government."

"Develop monitoring system of community activities which affect regional programs or have regional impacts."

"Some time ago SCAG sponsored workshops on the Noise and Seismic Elements, and these were very well attended and appreciated. I feel SCAG can give some valuable guidance in the same manner for the Social Element."

"Cities are becoming increasingly involved with zoning consistency, but have very little to fall back on for technical assistance. No one has definitively explained 'consistency' or its relation to inverse condemnation. Consequently, most efforts to make the zoning consistent with the GP are half hearted and timid. Possibly SCAG can become involved in this area as well, perhaps through the seminar approach."

"More coordination between local governments as to transportation, including bikeways."

"Establish and enforce policies to prevent agencies from transferring direct and indirect cost of environmental protection/improvement to other agencies when the need is a result of the actions or inactions of the first agency. (i.e. San Bernardino County expected to provide flood protection for flood plain development in Orange County)."

"Have someone who is capable to teach your people to write reports briefly so that they are easily read and interpreted."

"Don't print so much stuff. There isn't enough time to read it, let alone react. (i.e. Transportation Plan)."

WHAT SCAG IS DOING

Library. The need for a regional library of planning resources can be met to some extent by SCAG now. The SCAG Information Resource Center Handbook has been sent to all local planning offices. It describes the services and resources of the Center, including its legislative and planning resources. Planning resources include over 5,000 publications. Local agencies and the public are welcome to use IRC materials at the Center, and certain materials are available on loan. Inquiries should be directed to Mark Hamud, SCAG IRC.

Publications. Many of the subjects raised in this report are addressed in the following recent SCAG publications. All have been sent to cities and counties, either to planning directors or city managers/CAO's.

.SCAG Review of First Year Title I Housing and Community Development Block Grant Applications, June 1975.

.Suggested Revision of SCAG Growth Forecast Policy, June 1975.

.1976 Preliminary Regional Transportation Plan, October 1975.

.OMB Circular No. A-95: What It Is -- How It Works (no date given)

.SCAG Clearinghouse Handbook, July 1975.

.Manpower Programs Catalog, April 1975 (to be updated).

.Planning and Technical Assistance Catalogue, July 1975.

.Planning Libraries in the SCAG Region, August 1975.

.Human Services Reference List, SCAG IRC (no date given).

.SCAG Conference on Human Services Planning and Coordination, September 1975.

.A Guide to Social Indicators for Local Government, October 1975.

.Tips on Writing a Proposals for Grants, presented at SCAG General Assembly Meeting, September 1975.

Legislative Tracking and Analysis. The League of California Cities is a primary source for up-to-date-legislative information; the Sacramento office sends its Legislative Bulletin to elected officials and managers of all member cities and answers telephone questions. The National League of Cities has a Washington legislative newsletter.

Legislative reports are often given at SCAG's Comprehensive Planning Technical Committee (formerly Council of Planning), and reported in the minutes. SCAG's four policy committees and the Executive Committee also receive periodic reports on recent and pending legislation.

Workshops. An all day workshop on federal and state funding and assistance was featured at the September 1975 SCAG General Assembly. Some of the publications listed above relate to that workshop. A list of contact persons at state and federal agencies is available from SCAG's Technical Assistance Program Manager.

A planners' workshop on Social elements was held in August and a similar one for elected officials will be presented at the February 1976 General Assembly.

Other workshops are now being considered. The suggestions made by respondents to this survey will help to define subjects and priorities.

SCAG/Local Contacts; Subregional Groupings

SCAG's contacts with cities and counties have increased substantially in the past year, particularly with regard to population forecasting, the housing allocation model, and transportation funding and planning. In addition, SCAG's Technical Assistance Program Manager has visited about 70 cities.

Each county except Imperial has county-city planning directors' groups meeting periodically. SCAG staff people participate when possible.

SCAG staff are currently assisting many local governments with Housing Assistance Plan data for their HCD applications.

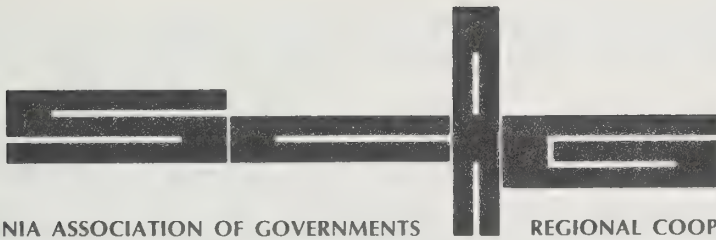
SCAG's student intern program places 15 graduate students from UCLA, Cal Poly Pomona, and Cal State University at Long Beach for part time work at no cost to the receiving agency. Most placements are with cities under 50,000 and are for periods of about five months. This survey brought forth several comments commending and seeking further participation in this program.

SCAG will continue and seek to improve its assistance to local jurisdictions, within limitation of staff resources and work program.

This report sketches a picture of current local plan activities and policy implementation practices in the SCAG region and indicates future direction. It should provide useful information to and facilitate contacts among cities and counties with kindred needs and interests. It will be useful to SCAG in shaping its own technical assistance, coordination, planning, and implementation activities in the future.

A P P E N D I X

| | | |
|----|--|----|
| A. | SURVEY QUESTIONNAIRE AND COVER LETTER | 63 |
| B. | REVENUE AND TAXATION CODE SECTION 402.1 | 67 |
| C. | SUMMARY OF FIRST YEAR HCD BLOCK GRANT APPLICATIONS | 68 |



SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

REGIONAL COOPERATION FOR REGIONAL PROBLEMS

600 SO. COMMONWEALTH AVE. • SUITE 1000 • LOS ANGELES, CA. • 90005 • 213/385-1000

APPENDIX A

April 10, 1975

Dear Planning Director:

With your help, SCAG has been developing regional goals and policies, growth forecast policies, functional plans and coordination. Starting with the enclosed questionnaire, we want now to give more attention to techniques for implementing plans and policies at different scales.

There have been random indications that jurisdictions within this region have developed and used not only traditional implementing techniques but also innovative ones, such as those discussed in recent studies by the League of Cities, CSAC, PCL, ASPO, AIP and others. The enclosed questionnaire is intended to provide the basis for a systematic picture of existing and proposed local plan implementation techniques in this region, including a qualitative assessment of these. Please bear with us if certain questions resemble other questionnaires; this seems the only way to secure a current picture of a rapidly changing scene.

Because of the importance of this subject, the need for seasoned judgement in providing full and valid answers, and the intent to maximize value of this survey, we urge that a senior person take responsibility for completing this questionnaire. We would appreciate your help in this matter. Please do not limit responses to "official" actions; it is essential to get a feel for ideas in the talking stage, when information sharing can be most helpful. We will follow up this questionnaire as necessary with calls and visits to jurisdictions which are moving in ways of potential interest to others in our region.

With the questionnaire results, SCAG intends to develop a report and/or conference on "implementation of Plans and Policies in the SCAG Region: 1975 Overview and Highlights" -- with emphasis on implementation techniques used by or usable by local governments. This work will supplement the State Office of Planning and Research October 1974 survey of plan status, soon to be published. Questionnaire results will also be helpful in shaping our technical assistance, coordination, planning, and implementation.

Thank you for sharing your professional judgements on plan implementation. Please return the questionnaire by May 1, 1975 to Royce Neuschatz.

Sincerely,

Edward A. Holden
Director of Planning

EAH:am
Enclosure

PLAN AND POLICY IMPLEMENTATION SURVEY 1975

Please complete and return by May 1st to: SCAG

Attention: Royce Neuschatz
600 South Commonwealth Avenue
Los Angeles, California 90005
(213) 481-0095

Jurisdiction _____ Agency _____

Your Name and Title _____

Street _____ City _____ Zip _____

Telephone Number _____ 1974 Population _____

1. PLAN ELEMENTS. What planning elements other than State mandated ones are completed, being revised, in preparation, or under discussion in your jurisdiction?

Please use the following code: (C) Completed
(R) Being Revised
(P) In Preparation
(D) Being Discussed

| | |
|---|------------------------------|
| ____ Economic | ____ Recreation |
| ____ Population | ____ Community Development |
| ____ Energy | ____ Others (please specify) |
| ____ Social/Human Resources/ Human Services | |

Give expected completion date, if possible, for each.

2. GROWTH POLICY. As an update on SCAG's contact with your staff last fall and October 1974 Growth Forecast Refinement Progress Report, please indicate whether your jurisdiction is working or considering work on growth policy or growth management. Yes ____ No ____.

If yes, please describe briefly below and send any recent reports, ordinances, or other material directly related to growth policy, whether in draft or final form. Please include any information on phasing growth, on "urban take" lines, and on urban/rural delineations.

- 3a. POLICY IMPLEMENTATION. Which 3 to 5 of your jurisdiction's plan policies (e.g. growth, open space, transportation, housing, etc.) are most difficult to implement?

- 3b. Which 3 to 5 of your jurisdiction's plan policies are easiest to implement?

4. IMPLEMENTATION TECHNIQUES. Following is a checklist of some implementation techniques. Please check the status of each in your jurisdiction. If your jurisdiction uses terms somewhat different from those listed, please so indicate. Where several techniques are grouped in a line, please underline those applicable. Use margins and back of sheet for comments and explanations.

STATUS

| | | |
|--------|-----------------------|-------------------|
| In Use | In Discussion/In Prep | None Not Relevant |
|--------|-----------------------|-------------------|

Plans and Programs

- | | | | |
|-------|-------|----------|--|
| _____ | _____ | _____ | 1. Monitoring program to evaluate goal accomplishment |
| _____ | _____ | _____ | 2. Comprehensive implementation plan |
| _____ | _____ | _____ | 3. Capital improvement program |
| _____ | _____ | <u>X</u> | 4. Transportation plans and programs |
| _____ | _____ | _____ | 5. Model Cities/NDP/California Urban Renewal/HCD Block grant application/other |
| _____ | _____ | _____ | 6. Zoning code enforcement; systematic/complaint only |
| _____ | _____ | <u>X</u> | 7. Housing code enforcement; systematic/complaint only |

Regulations

- | | | | |
|-------|-------|----------|--|
| _____ | _____ | _____ | 8. Open space zoning/ agricultural zoning |
| _____ | _____ | _____ | 9. Open Space Conservation (Williamson) Act contracts |
| _____ | _____ | _____ | 10. Flood plain zoning/active National Flood Insurance Program |
| _____ | _____ | <u>X</u> | 11. Hazard area/environmental management zoning |
| _____ | _____ | _____ | 12. Down zoning for plan/zone consistency |
| _____ | _____ | _____ | 13. Hillside development regulations/grading regulations/slope density standards (density related to % of slope) |
| _____ | _____ | <u>X</u> | 14. Park and/or school requirement related to residential development (Quimby, fee per dwelling unit, etc.) |
| _____ | _____ | <u>X</u> | 15. Phased residential development (per Ramapo, Petaluma, etc.) |
| _____ | _____ | <u>X</u> | 16. Moratorium on building, water-sewer connections, other (specify) |
| _____ | _____ | <u>X</u> | 17. Low-income housing requirement related to residential development (per L.A.'s 15% ordinance) |
| _____ | _____ | _____ | 18. Performance standards (specify) |
| _____ | _____ | _____ | 19. Design review/architectural controls/esthetic zoning/historical preservation |

Agencies

- | | | | |
|-------|-------|-------|--|
| _____ | _____ | _____ | 20. Environmental agency, department, commission, ordinances |
| _____ | _____ | _____ | 21. Local housing authority/work with county housing authority |
| _____ | _____ | _____ | 22. Redevelopment agency/community development agency |
| _____ | _____ | _____ | 23. Regular coordination with school districts, other, jurisdictions (specify) |

Incentives

- | | | | |
|-------|-------|----------|--|
| _____ | _____ | <u>X</u> | 24. Planned unit development (cluster) provisions |
| _____ | _____ | _____ | 25. Development rights transfer (DRT; TDR) |
| _____ | _____ | _____ | 26. Density bonus provisions |
| _____ | _____ | _____ | 27. Conditional zoning |
| _____ | _____ | _____ | 28. Utility extension policies |
| _____ | _____ | _____ | 29. Utility rate-setting as incentive to attract industry or for energy conservation |
| _____ | _____ | <u>X</u> | 30. Promotional efforts by Chamber, Economic Development Agency, etc. |

Acquisition

- | | | | |
|-------|-------|----------|--|
| _____ | _____ | <u>X</u> | 31. Development rights purchase, scenic easement purchase, other (specify) |
| _____ | _____ | _____ | 32. Land banking |
| _____ | _____ | <u>X</u> | 33. Advance acquisition of public facility sites |
| _____ | _____ | _____ | 34. OTHER (please list) |

- 4b. Please review those you have checked "in use" and indicate beside the check your opinion of the effectiveness of the technique:

- | | |
|---------------------------|---------------------------------|
| _____ 1. Very effective | _____ 3. Limited usefulness |
| _____ 2. Fairly effective | _____ 4. Poor |
| | _____ 5. No opinion, don't know |

- 4c. Please review the above list one more time and mark, where applicable, PD - for Politically Difficult -- whether your opinion or official.

5. PLANNING DECISIONS. What in your judgement have been your jurisdiction's 3 to 5 most important planning decisions and/or implementation accomplishments of the past year or two?

6. DECISIONS AFFECTING PLANNING. What in your judgement have been the 3 to 5 decisions or actions by private or government sources most significantly affecting planning and development in your jurisdiction in the past year or two (excluding inflation/recession)?

7. SCAG ROLE. What would you like to see SCAG do to assist in planning or implementation techniques at the regional level or through technical assistance to local agencies?

As used in this section, owner-occupied single-family dwelling means any single-family dwelling occupied by an owner thereof as his principal place of residence on the lien date. * * *

(Added by Stats.1972, c. 1400, p. 2960, § 14.6, urgency, eff. Dec. 26, 1972. Amended by Stats.1973, c. 208, p. 563, § 50, urgency, eff. July 11, 1973.)

Section 62 of Stats.1973, c. 208, p. 569, provided: "Section 50 of this act is a clarification and restatement of existing law, and no reimbursement shall be made to local government pursuant to Section 2163 of the Revenue and Taxation Code by reason of its operation. The Legislature finds that additional state-manipulated local costs in this act, if any, are fully reimbursed by

the appropriation for public schools contained in this act and the appropriation to counties for collecting the additional information on homeowners' exemption claims." 1972 addition operative on the lien date in 1973.

1973 Amendment. Deleted the last two paragraphs declaring legislative intent.

§ 402.1 Land; effect of restrictions on value; presumption

In the assessment of land, the assessor shall consider the effect upon value of any enforceable restrictions to which the use of the land may be subjected. Such restrictions shall include, but are not * * * limited to: (a) zoning * * * ; (b) recorded contracts with governmental agencies other than those provided for in Section 422; (c) permit authority of, and permits issued by, governmental agencies exercising land use powers concurrently with local governments, including the California coastal commissions, the San Francisco Bay Conservation and Development Commission, and the Tahoe Regional Planning Agency; (d) environmental constraints applied to the use of land pursuant to provisions of statutes.

There shall be a rebuttable presumption that restrictions will not be removed or substantially modified in the predictable future and that they will substantially equate the value of the land to the value attributable to the legally permissible use or uses.

Grounds for rebutting the presumption may include but are not necessarily limited to the past history of like use restrictions in the jurisdiction in question and the similarity of sales prices for restricted and unrestricted land. The possible expiration of a restriction at a time certain shall not be conclusive evidence of the future removal or modification of the restriction unless there is no opportunity or likelihood of the continuation or renewal of the restriction, or unless a necessary party to the restriction has indicated an intent to permit its expiration at that time.

In assessing land where the presumption is un rebutted, the assessor shall not consider sales of otherwise comparable land not similarly restricted as to use as indicative of value of land under restriction, unless the restrictions have a demonstrably minimal effect upon value.

In assessing land under an enforceable use restriction wherein the presumption of no predictable removal or substantial modification of the restriction has been rebutted, but where the restriction nevertheless retains some future life and has some effect on present value, the assessor may consider, in addition to all other legally permissible information, representative sales of comparable land not under restriction but upon which natural limitations have substantially the same effect as restrictions.

For the purposes of this section:

(a) "Comparable lands" are lands which are similar to the land being valued in respect to legally permissible uses and physical attributes.

(b) "Representative sales information" is information from sales of a sufficient number of comparable lands to give an accurate indication of the full cash value of the land being valued.

It is hereby declared that the purpose and intent of the Legislature in enacting this section is to provide for a method of determining whether a sufficient amount of representative sales information is available for land under use restriction in order to ensure the accurate assessment of such land. It is also hereby declared that the further purpose and intent of the Legislature in enacting this section and Section 1630 of the Revenue and Taxation Code is to avoid an assessment policy

Underline indicates changes or additions by amendment

which, in the absence of special circumstances, considers uses for land which legally are not available to the owner and not contemplated by * * * government, and that these sections are necessary to implement the public policy of encouraging and maintaining effective land use planning. Nothing in this statute shall be construed as requiring the assessment of any land at less than as required by Section 401 of this code or as prohibiting the use of representative comparable sales information on land under similar restrictions when such information is available.

(Amended by Stats.1974, c. 187, p. —, § 1; Stats.1974, c. 857, p. —, § 1.)

Historical property contracts, see 18 Cal. Adm.Code 60.

Section 2 of Stats.1974, c. 857, p. —, provides: "It is the intent of the Legislature in enacting this act to clarify the status of recently enacted legislation with respect to Section 402.1 of the Revenue and Taxation Code and not to make a substantive change in such section."

1974 Amendments. Rewrite the second sentence; changed the third sentence to be the second paragraph; inserted the sixth paragraph defining comparable lands and representative sales information; and deleted the word "local" preceding "government" in the last paragraph.

Law Review Commentaries

Dilemma of preserving open space land —how to make Californians an offer they can't refuse. (1972) 13 Santa Clara L. 284.

Opening door to open space control. Gerald D. Bowden (1970) 1 Pacific L.J. 461.

Restricted use assessment in California. Averill Q. Mix (1971) 11 Santa Clara L. 259.

Library references

Words and Phrases (Perm.Ed.)

§ 402.2 Change in zoning, variance or conditional use permit; reassessment

If during the assessment year the assessor receives the notice required by Section 65862 of the Government Code, the assessor shall reassess the property as of the next succeeding lien date.

(Added by Stats.1974, c. 290, p. —, § 2.)

Library references

Taxation C-219.

C.J.S. Taxation § 210 et seq.

§ 402.5 Valuing property by comparison with sales of other properties

When valuing property by comparison with sales of other properties, in order to be considered comparable, the sales shall be sufficiently near in time to the lien date, and the properties sold shall be located sufficiently near the property being valued, and shall be sufficiently alike in respect to character, size, situation, usability, zoning or other legal restriction as to use unless rebutted pursuant to Section 402.1, to make it clear that the properties sold and the properties being valued are comparable in value and that the cash equivalent price realized for the properties sold may fairly be considered as shedding light on the value of the property being valued. "Near in time to the lien date" does not include any sale more than 90 days after the lien date.

(Amended by Stats.1972, c. 1080, p. 2014, § 1, urgency, eff. Aug. 19, 1972.)

Section 4 of Stats.1972, c. 1080, p. 2014, provides: "Sections 1 and 2 of this act shall become operative on the lien date in 1973."

1972 Amendment. Added last sentence.

Law Review Commentaries

Administrative appeal and judicial review of property tax assessments in California. Kenneth A. Ehrman (1970) 22 Hastings L.J. 1.

Opening door to open space control. Gerald D. Bowden (1970) 1 Pacific L.J. 461.

1. In general

Trial court properly reversed findings of county assessment board as to valuation of recreational land where assessors did not utilize parcel size in determining

Open space land assessment. Preliminary report of Joint Committee on Open Space Land. Vol. 1 of Appendix to Journal of the Senate, Reg.Sess.1969.

Zoning and property assessment. Final report of Joint Committee on Open Space Lands, p. 83, 1970. Vol. 1, of Appendix to Journal of the Senate, Reg.Sess., 1970.

2. Construction and application

Provision of Const. art. 13, § 2.6, to the effect that "in assessing real property consisting of one parcel of 10 acres or more and used exclusively for nonprofit golf course purposes for at least two successive years prior to the assessment, the assessor shall consider no factors other than those relative to such use. He may, however, take into consideration the existence of any mines, minerals and quarries in property, including, but not limited to oil, gas and other hydrocarbon substances," is sufficiently definite to provide guideline for conduct of assessor in appraising value of property for tax purposes and thus is not unconstitutionally vague. Stevens v. Watson (1971) 91 Cal. Rptr. 190, 16 C.A.3d 629, certiorari denied 92 S.Ct. 2451, 407 U.S. 925, 32 L.Ed.2d 811.

value. Georgia-Pac. Corp. v. Butte County (1974) 112 Cal.Rptr. 327, 37 C.A.3d 461.

An assessor is required to use the "comparative sales" approach in determining the market value of land used for the production of timber when there are comparable sales to be considered, but he may legally rely upon a "capitalized income" approach only when there are no comparable sales to be considered. 56 Ops.Atty.Gen. 172, 1-26-73.

Post lien date sales of property or of other comparable parcels of property may be used as evidence of its fair market value in the assessment of property taxes before a county board of equalization. 53 Ops.Atty.Gen. 97, 3-19-70.

Asterisks * * * indicate deletions by amendment

SUMMARY OF FIRST YEAR BLOCK GRANT ALLOCATIONS

The SCAG Region as a whole will receive a total of approximately \$89.3 million in HCD Block Grant funds for the 1975-76 fiscal year. This amount is at least twice as great as the total received from HUD categorical community development programs in any previous year. Map 1 shows those cities and counties in the SCAG region receiving hold-harmless or entitlement grants. As the map indicates, these localities are distributed throughout the urbanized area. However, two of the 50 applicants, Los Angeles City and Los Angeles County, together account for nearly 60 percent of the total funds, Los Angeles City alone representing over 43 percent of the total.

For the first year programs most applicants included a large percentage of "gearing up" type projects, except in some those jurisdictions which have participated in previous federally funded housing and community development activities for some time. Therefore, planning activities, housing studies, surveys, and site selection and design type activities, along with administration and management development were allocated nearly 20 percent of the total funds. The next largest group of activities were infrastructure expenditures, including street repairs, removal of architectural barriers for elderly and handicapped, sewers, water projects, storm drains, street lights, etc. These activities comprised 15 percent of the aggregated first year budget. Housing related activities accounted for nearly one-fourth of all funds in the region, but most of these funds (15% of the total regional block grant funding) were allocated to a few ongoing Neighborhood Development Programs (NDP's) for land acquisition and clearance; only about 8% of the total funds was assigned to direct housing programs, mainly rehabilitation. Other first year activities accounting for a significant percentage of funds were Commercial and Industrial Development Related projects (12%), Services and Social Programs (11%), and Open Space and Parks (8%). Completion of urban renewal projects regionally comprised 9% of the total grant funds, while continuation of model cities activities accounted for 15 percent.

Overall, the housing assistance plans indicated over 770,000 households needing assistance and a combined first year goal of just under 44,000 units, or about 6% of the total identified need. It is doubtful that categorical grant housing funds will be sufficient to meet even half of the goals expressed. The first year goals emphasized use of existing units and secondarily development of new units to meet housing needs regionally. The emphasis in the housing goals as well as in the community development programs varied widely among the individual applicants.

First year goals for rehabilitation address about four percent of the total units suitable for rehabilitation identified by the applicants. Most applicants emphasized housing for the elderly and handicapped in their first year housing goals, particularly for new units, although in aggregate elderly housing was not emphasized. Section 8 was by far the major source of funding for the housing assistance goals. The block grant funds also play a significant role in the first year housing rehabilitation goals. Every applicant identified households requiring assistance and units suitable for rehabilitation within their jurisdiction. However, nine applicants chose not to address these needs in their first year housing assistance plans, and indicated no first year housing assistance goals, or very minor first year goals as compared to identified needs.

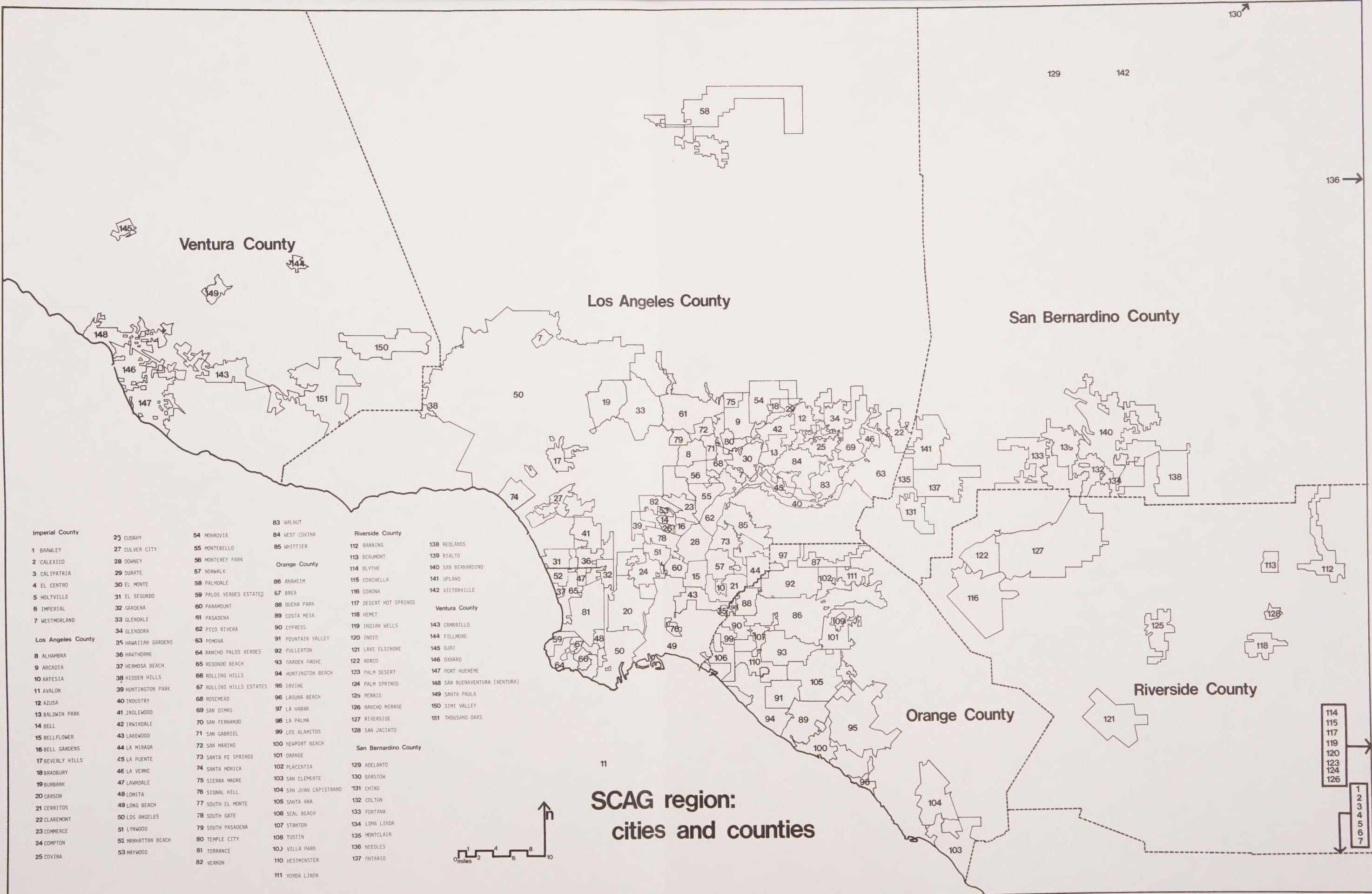
*This page reprinted from SCAG Review of First Year Title I Housing and Community Development Block Grant Applications. June 1975, page 5.

Following are selected titles of basic resources on plan and policy implementation. Most have useful bibliographies. The 26-page bibliography in the American Society of Planning Officials Report (No. 2) is a particularly valuable comprehensive listing of recent sources and legislative decisions.

1. American Law Institute, A Model Land Development Code. Proposed Official Draft No. 1. April 15, 1974. 386 pp. Tentative Draft No. 6; Appendix A. ALI, 4025 Chestnut Street, Philadelphia, PA 19104.
2. American Society of Planning Officials, An Evaluation of Policy-Related Research, Urban Growth Management Systems, Planning Advisory Service Report Nos. 309, 310, August 1975. 141 pages. ASPO, 1313 East Sixtieth Street, Chicago, Illinois 60637, \$12. PAS Subscribers \$10.
3. ASPO, Neighborhood Zoning: Practice and Prospects, PAS Report No. 311. September 1975. 44 pages. PAS subscribers \$5.
4. ASPO, New Zoning Techniques for Inner-City Areas, PAS Report No. 297, December 1973. 60 pages. PAS subscribers \$5.
5. ASPO, Performance Controls for Sensitive Lands: A Practical Guide for Local Administrators, PAS Report Nos. 307, 308, July 1975. 156 pages. \$12. PAS subscribers \$10.
6. ASPO, Planned Unit Development Ordinances, PAS Report No. 291, May 1973. 66 pages. \$8. PAS subscribers \$6.
7. ASPO, Regulations for Flood Plains, PAS Report No. 277, February 1972. 68 pages. \$5. PAS subscribers \$3.
8. ASPO, Regulation of Modular Housing, With Special Emphasis on Mobile Homes, PAS Report No. 271, July-August 1971. 105 pages. \$5. PAS subscribers \$3.
9. ASPO, The Design, Regulations, and Location of Service Stations, PAS Report No. 293, July-August 1973. 110 pages. PAS subscribers \$5.
10. ASPO, Transfer Development Rights, PAS Report No. 304, March 1975. 64 pages. PAS subscribers \$5.
11. ASPO, Zoning for Family and Group Care Facilities, PAS Report No. 300, March 1974. 30 pages. PAS subscribers \$5.
12. California Council on Intergovernmental Relations, Office of Planning and Research, 1974 Local Government Planning Survey, May 1975.
13. Council on Environmental Quality, Land Use, Reprinted from Environmental Quality - 1974 (The Fifth Annual Report of CEO), December 1974, 92 pages. Supt. of Documents, US Governmental Printing Office, Washington D.C. 20402 \$1.20. Stock NO. 4111-00024.

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14. Franklin, Herbert M., David Falk, Arthur J. Levin, In-Zoning. A Guide for Policy-Makers on Inclusionary Land Use Programs. The Potomac Institute, Inc. 1501 Eighteenth Street, N.W., Washington, D.C. 20036, \$3.50. 212 pp.
15. Freilich, Robert H. and Levi, Peter S., Model Subdivision Regulations, Text and Commentary, ASPO. 190 pages \$9.95, ASPO members \$8.95.
16. National Academy of Sciences/National Academy of Engineering, Urban Growth and Land Development. The Land Conversion Process. Washington, D.C. 1972. Printing and Publishing Office, National Academy of Sciences, 2101 Constitution Avenue, Washington, D.C.
17. Stanford Environmental Law Society, A Handbook for Controlling Local Growth, September 1973. Stanford Law School, Stanford University, Stanford, CA 94205. 118 pages.
18. The Use of Land: A Citizens' Policy Guide to Urban Growth. A Task Force Report Sponsored by the Rockefeller Brothers Fund. Thomas Y. Crowell Company, New York. 1973. 318 pages. \$3.95.



Imperial County

- 1 BRAWLEY
- 2 CALEXICO
- 3 CALIPATRIA
- 4 EL CENTRO
- 5 HOLTVILLE
- 6 IMPERIAL
- 7 WESTMORLAND

Los Angeles County

- 8 ALHAMBRA
- 9 ARCADIA
- 10 ARTESIA
- 11 AVALON
- 12 AZUSA
- 13 BALDWIN PARK
- 14 BELL
- 15 BELLFLOWER
- 16 BELL GARDENS
- 17 BEVERLY HILLS
- 18 BRADBURY
- 19 BURBANK
- 20 CARSON
- 21 CERRITOS
- 22 CLAREMONT
- 23 COMMERCE
- 24 COMPTON
- 25 COVINA

- 23 CUDAHY
- 27 CULVER CITY
- 28 DOWNEY
- 29 DUARTE
- 30 EL MONTE
- 31 EL SEGUNDO
- 32 GARDENA
- 33 GLENDALE
- 34 GLENDORA
- 35 HAWAIIAN GARDENS
- 36 HAWTHORNE
- 37 HERMOSA BEACH
- 38 HIDDEN HILLS
- 39 HUNTINGTON PARK
- 40 INDUSTRY
- 41 INGLEWOOD
- 42 IRVINDALE
- 43 LAKEWOOD
- 44 LA MIRADA
- 45 LA PUENTE
- 46 LA VERNE
- 47 LANSDALE
- 48 LOMITA
- 49 LONG BEACH
- 50 LOS ANGELES
- 51 LYNWOOD
- 52 MANHATTAN BEACH
- 53 MAYWOOD

- 54 MONROVIA
- 55 MONTEBELLO
- 56 MONTEREY PARK
- 57 NORWALK
- 58 PALMDALE
- 59 PALOS VERDES ESTATES
- 60 PARAMOUNT
- 61 PASADENA
- 62 PICO RIVERA
- 63 POMONA
- 64 RANCHO PALOS VERDES
- 65 REDONDO BEACH
- 66 ROLLING HILLS
- 67 ROLLING HILLS ESTATES
- 68 ROSEMEAD
- 69 SAN DIMAS
- 70 SAN FERNANDO
- 71 SAN GABRIEL
- 72 SAN MARINO
- 73 SANTA FE SPRINGS
- 74 SANTA MONICA
- 75 SIERRA MADRE
- 76 SIGNAL HILL
- 77 SOUTH EL MONTE
- 78 SOUTH GATE
- 79 SOUTH PASADENA
- 80 TEMPLE CITY
- 81 TORRANCE
- 82 VERNON

- 83 WALNUT
 - 84 WEST COVINA
 - 85 WHITTIER
- Orange County
- 86 ANAHEIM
 - 87 BREA
 - 88 BUENA PARK
 - 89 COSTA MESA
 - 90 CYPRESS
 - 91 FOUNTAIN VALLEY
 - 92 FULLERTON
 - 93 GARDEN GROVE
 - 94 HUNTINGTON BEACH
 - 95 IRVINE
 - 96 LAGUNA BEACH
 - 97 LA HABRA
 - 98 LA PALMA
 - 99 LOS ALAMITOS
 - 100 NEWPORT BEACH
 - 101 ORANGE
 - 102 PLACENTIA
 - 103 SAN CLEMENTE
 - 104 SAN JUAN CAPISTRANO
 - 105 SANTA ANA
 - 106 SEAL BEACH
 - 107 STANTON
 - 108 TUSTIN
 - 109 VILLA PARK
 - 110 WESTMINSTER
 - 111 YORBA LINDA

- Riverside County
- 112 BANNING
 - 113 BEAUMONT
 - 114 BLYTHE
 - 115 COACHELLA
 - 116 CORONA
 - 117 DESERT HOT SPRINGS
 - 118 HEMET
 - 119 INDIAN WELLS
 - 120 INDIO
 - 121 LAKE ELSINORE
 - 122 NORCO
 - 123 PALM DESERT
 - 124 PALM SPRINGS
 - 125 PERRIS
 - 126 RANCHO MIRAGE
 - 127 RIVERSIDE
 - 128 SAN JACINTO

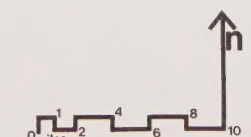
San Bernardino County

- 129 ADELANTO
- 130 BARSTOW
- 131 CHINO
- 132 COLTON
- 133 FONTANA
- 134 LOMA LINDA
- 135 MONTCLAIR
- 136 NEEDLES
- 137 ONTARIO

- Ventura County
- 138 REDLANDS
 - 139 RIALTO
 - 140 SAN BERNARDINO
 - 141 UPLAND
 - 142 VICTORVILLE

Orange County

- 143 CAMARILLO
- 144 FILLMORE
- 145 OJAI
- 146 OXNARD
- 147 PORT HUENEME
- 148 SAN BUENAVENTURA (VENTURA)
- 149 SANTA PAULA
- 150 SIMI VALLEY
- 151 THOUSAND OAKS



SCAG region:
cities and counties

- 114
 - 115
 - 117
 - 119
 - 120
 - 123
 - 124
 - 126
- 1
 - 2
 - 3
 - 4
 - 5
 - 6
 - 7

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